

# Military Intervention to Stop Mass Atrocities

A

Monograph

by

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## Abstract

Military Intervention To Stop Mass Atrocities, by MAJ Patrick Ladner, 89 pages.

This monograph examines the 1994 Rwandan Genocide in an effort to determine whether or not military intervention by the United States would have prevented this catastrophe. This monograph investigates the circumstances that resulted in the international community's failure to intervene in the 1994 Rwandan genocide and evaluates the strategic context for the lack of intervention in Rwanda through the military intervention criteria outlined in the 2001 ICISS Responsibility to Protect (R2P) report. This paper then reviews the strengths and weaknesses of varying military intervention options to determine whether these actions were feasible in Rwanda. The paper concludes that, although the United States had just cause to intervene to stop the Rwandan atrocities, it would not have been as effective as the Rwandan Patriotic Front (RPF) was in ending the violence.

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## Acronyms

CPPCG	The Convention on the Prevention and Punishment of the Crime of Genocide
CAH	Crimes against Humanity
DoD	Department of Defense
EO	Executive Order
ICC	International Criminal Court
ICISS	The International Commission on Intervention and State Sovereignty
MARO	Mass Atrocity Response Operations
MNRD	Mouvement Revolutionnaire National pour le Developpement
NATO	North Atlantic Treaty Organization
OAU	Organisation of African Unity
Parmehutu	Parti du mouvement de l'emancipation
PDD	Presidential Decision Directive
POTUS	President of the United States
PSD	Presidential Study Directive
R2P	Responsibility to Protect
RPF	Rwandan Patriotic Front
UN	United Nations
UNAMIR	United Nations Assistance Mission for Rwanda
UNAR	Union Nationale Rwandaise
UNOSOM	United Nations Operation in Somalia
US	United States
USG	United States Government

## Introduction

We must always take sides. Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented. Sometimes we must interfere. When human lives are endangered, when human dignity is in jeopardy, national borders and sensitivities become irrelevant. Wherever men or women are persecuted because of their race, religion, or political views, that place must – at that moment – become the center of the universe.

—Elie Wiesel, 1986 Nobel Prize Acceptance Speech

History shows that mass killings, genocides, and other atrocities have occurred throughout humanity's existence. This phenomenon was nameless until the breadth and viciousness of the Holocaust prompted the United Nations (UN) to adopt a convention in 1948 against such events under the term of *genocide* which was coined by international lawyer Raphael Lemkin.<sup>1</sup> Incidents of genocide occurred throughout the twentieth century and still happen today. Noted genocide scholars Barbara Harff and Ted Robert Gurr concluded in 1988 that genocides and politicides have resulted in more deaths than actual combat since 1945.<sup>2</sup> As of 2015, widespread and systematic atrocities engulf several countries including the Central African Republic, the Democratic Republic of the Congo, North Korea, Iraq, Libya, Nigeria, South Sudan, Syria, and Yemen. Ongoing globalization suggests that such events now reverberate throughout the world and that the consequences cross state boundaries.<sup>3</sup>

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<sup>1</sup> John Docker, "Raphael Lemkin, Creator of the Concept of Genocide: A World History Perspective," *Humanities Research* 16, no. 2 (2010), 49.

<sup>2</sup> Barbara Harff and Ted Robert Gurr, "Toward Empirical Theory of Genocides and Politicides: Identification and Measurement of Cases Since 1945," *International Studies Quarterly* 32, no. 3 (September 1988): 370, accessed December 2, 2016, <http://www.jstor.org/stable/2600447>.

<sup>3</sup> United Nations Security Council, "A Vital and Enduring Commitment: Implementing the Responsibility to Protect," *Report of the Secretary-General*, A/69/981–S/2015/500, July 13, 2015, 3, accessed February 7, 2017, <http://www.un.org/en/preventgenocide/adviser/pdf/N1521764%202015%20SG%20Report%20R2P%20English.pdf>. This 2015 UN Report states the following statistics for the Syria conflict: 220,000 people killed, one million injured, 7.6 million internally displaced, four million refugees.

In 2011, the Obama Administration published Presidential Study Directive (PSD) – 10 which stated that “preventing mass atrocities and genocide is a core national security interest and a core moral responsibility of the United States.”<sup>4</sup> One of the United States’ strategic goals was to further advance this idea through the 2015 National Security Strategy which discussed the relationship of genocidal events and national security. The strategy identifies the threat of “mass killing of civilians” that cause “destabilizing refugee flows.”<sup>5</sup> Atrocity events remain a national concern as evidenced by testimony from the Director of National Intelligence, James R. Clapper, to the Senate Armed Services Committee in February 2016, in which he stated that “risks of atrocities, large-scale violence, and regime-threatening instability will remain elevated in 2016.”<sup>6</sup>

On May 18, 2016, the Obama Administration released Executive Order 13729 entitled “A Comprehensive Approach to Atrocity Prevention and Response.” This document reaffirms that atrocity response is a national interest and moral responsibility of the United States.<sup>7</sup> The

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<sup>4</sup> US President, “Presidential Security Directive-10: Presidential Study Directive on Mass Atrocities,” (Washington, DC: The White House, August 4, 2011), 1, accessed December 2, 2016, <https://obamawhitehouse.archives.gov/the-press-office/2011/08/04/presidential-study-directive-mass-atrocities>. “Preventing mass atrocities and genocide is a core national security interest and a core moral responsibility of the United States.”

<sup>5</sup> US President, *National Security Strategy: February 2015* (Washington, DC: The White House, February 2015), 1, 12, and 22, accessed December 2, 2016, [https://obamawhitehouse.archives.gov/sites/default/files/docs/2015\\_national\\_security\\_strategy.pdf](https://obamawhitehouse.archives.gov/sites/default/files/docs/2015_national_security_strategy.pdf).

<sup>6</sup> US Office of the Director of National Intelligence, *Worldwide Threat Assessment of the US Intelligence Community: Statement of Director of National Intelligence before the Senate Armed Services Committee*, by James Clapper, 114th Cong. 2d sess., February 9, 2016, 15, accessed February 17, 2017, [https://www.armed-services.senate.gov/imo/media/doc/Clapper\\_02-09-16.pdf](https://www.armed-services.senate.gov/imo/media/doc/Clapper_02-09-16.pdf).

<sup>7</sup> US President, Executive Order 13729, “A Comprehensive Approach to Atrocity Prevention and Response,” *Federal Register* 81, no. 99 (May 23, 2016): 32611-32615, accessed December 2, 2016, <https://www.gpo.gov/fdsys/pkg/FR-2016-05-23/pdf/2016-12307.pdf>. The document directs the Department of Defense to “continue to develop joint doctrine and training that support mass atrocity prevention and response operations “and that it “shall address mass atrocity prevention and response as part of its general planning guidance to combatant commands and services.”



directive adds details for the membership, duties, and responsibilities of an interagency group called the Atrocities Prevention Board (APB) which was established in PSD-10. In a speech at the United States Holocaust Museum in 2012, President Barack Obama stated the following:

Last year, in the first-ever presidential directive on this challenge, I made it clear that preventing mass atrocities and genocide is a core national security interest and a core moral responsibility of the United States of America. That does not mean that we intervene militarily every time there's an injustice in the world. We cannot and should not.<sup>8</sup>

The recent high-level focus on genocide and other mass atrocities leaves one wondering under what circumstances the United States militarily would intervene to stop atrocities.

The Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG) requires signatory nations to act upon the determination of genocide. Thus, the US military is responsible for providing US decision makers with military options for intervention.<sup>9</sup> US military planners should understand the strategic context associated with genocide, the difficulties that political leaders face in deciding to commit military forces, and the circumstances where the United States should respond militarily. Early warning and prevention strategies are vital since these approaches allow policymakers more flexibility regarding the use of other elements of national power. However, author Scott Straus notes that genocide scholars have not deeply studied the immediate “triggers” of genocide events, which he defines as the “...events or sets of events that precipitate a sharp escalation in violence; they are turning points in a crisis that signal

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<sup>8</sup> US President, “Preventing Mass Atrocities” (speech, US Holocaust Museum, Washington, DC, April 23, 2012), accessed February 25, 2017, <https://obamawhitehouse.archives.gov/photos-and-video/video/2012/04/23/president-obama-speaks-preventing-mass-atrocities#transcript>.

<sup>9</sup> United Nations General Assembly, Convention on the Prevention and Punishment of the Crime of Genocide, January 12, 1951, *UNTS* 260, no. 1021, pt. Article II (1951), 280, accessed December 2, 2016, <https://treaties.un.org/doc/publication/unts/volume%2078/volume-78-i-1021-english.pdf>.

a new period of greater violence.”<sup>10</sup> Hence, unexpected events and conditions on the ground may necessitate military intervention as the only option.

Since standing executive guidance states that stopping mass atrocities is in the US national interest and meets a moral imperative, it is vital that military planners frame the weaknesses and strengths of various approaches for responding to genocide.<sup>11</sup> Even if policymakers choose not to intervene, military planners must still prepare possible response options. It is imperative that military officers study past genocide events and the responses, or lack thereof, to provide the best military advice to the President of the United States (POTUS) in future episodes.

Multiple times the international community failed to respond promptly to genocide. The genocide that took place in Rwanda in 1994 stands out on several accounts. Those reasons include the currency of the event, the magnitude of the killings that occurred, and the speed in which the perpetrators executed the slaughter. Rwanda provides an excellent case study for this monograph because of the amount of published criticism and the lack of a military response to stop the atrocities.

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<sup>10</sup> Scott Straus, *Fundamentals of Genocide and Mass Atrocity Prevention* (Washington DC: US Holocaust Memorial Museum, 2016), 83.

<sup>11</sup> The White House, “Fact Sheet: A Comprehensive Strategy and New Tools to Prevent and Respond to Atrocities,” The White House, April 23, 2012, accessed February 25, 2017, <https://obamawhitehouse.archives.gov/the-press-office/2012/04/23/fact-sheet-comprehensive-strategy-and-new-tools-prevent-and-respond-atro>. After a government, wide review in response to PSD -10, President Obama approved and / or directed the military to take the following actions: “(1) Develop operational principles (i.e., doctrine) and planning techniques specifically tailored around atrocity prevention and response. (2) Publication of an appendix on mass atrocity response operations in Joint Publication on Peace Operations. (3) Geographic combatant commands will incorporate mass atrocity prevention and response as a priority in their planning, activities and engagements. (4) DOD will routinely organize exercises incorporating mass atrocity prevention and response scenarios to test operational concepts supporting mass atrocity prevention and response. (5) DOD will continue to develop more agile planning processes and tools so options can be developed quickly in emergency situations. (6) The faculty from the service academies will meet at the US Holocaust Memorial Museum at the end of May 2012 to discuss how to incorporate mass atrocity and genocide prevention into their curricula.”

A central theme of this monograph is that the United States lacks a clear framework for when it will conduct a military intervention to stop genocidal events. This deficiency results in delayed policy decisions that reduce available military options, increase civilian deaths, and elevate operational risk. The Weinberger-Powell Doctrine outlined criteria for the use of US military force in the 1990s.<sup>12</sup> Many believe that the principles in this framework prevented the United States from responding to stop genocidal events such as Bosnia.<sup>13</sup> Some argue that the doctrine's originators designed it to avoid US military involvement in operations that were not conventional in nature.

Despite the great strides that presidential administrations have made since the 1994 Rwanda Genocide in pronouncing that atrocity prevention and response is in the US national interest, the United States never has articulated criteria concerning when it would conduct a military intervention to stop such an event. For example, although EO 32614 provides many details, it lacks military intervention criteria.<sup>14</sup> This paper contends that a Powell-like doctrine, with slight modifications, would provide an appropriate framework for US interventions to stop genocidal acts. The United States is the world's most powerful nation, possesses the strongest

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<sup>12</sup> Colin Powell and Joseph Persico, *My American Journey* (New York: Random House, 1995), 303. After the Vietnam War and other unsuccessful military interventions, national leaders sought to establish litmus tests for the future use of military force. The first of those tests was the Weinberger Doctrine. In reaction to the bombing of a U.S. Marine barracks in Beirut in 1984, Secretary of Defense Caspar Weinberger formulated six tenets for committing U.S. troops: "(1) Commit only if our or our allies' vital interests are at stake. (2) If we commit, do so with all the resources necessary to win. (3) Go in only with clear political and military objectives. (4) Be ready to change the commitment if the objectives change, since wars readily stand still. (5) Only take on commitments that can gain the support of the American people and Congress. (6) Commit U.S. forces only as a last resort." Robert Cassidy, "Prophets or Praetorians? The Uptonian Paradox and the Powell Corollary," *Parameters* (Autumn 2003), 140, accessed January 28, 2017, <http://strategicstudiesinstitute.army.mil/pubs/parameters/articles/03autumn/cassidy.pdf>. In 1992 Colin Powell, a protégé of Secretary Weinberger, used his tenure as Chairman of the Joint Chiefs of Staff to add the concept of "decisive action" to the Weinberger Doctrine. In addition to the tenets enumerated by Weinberger, Powell called for a "fast, overwhelming, and decisive application of maximum force in the minimum time."

<sup>13</sup> Samantha Power, *A Problem from Hell: America and the Age of Genocide* (New York, NY: Basic Books, 2002), 262.

<sup>14</sup> Obama, Executive Order 13729.

military, and is the leading advocate for human rights. Consequently, the United States will continue to receive criticism from genocide activists and world opinion when it fails to intervene to stop atrocities. However, US policymakers may reduce this criticism through articulating a doctrine that communicates when the United States considers military intervention as a feasible option to stop an ongoing genocide.

Sarah Sewell, the author of the *Mass Atrocity Operations Response Handbook*, stated that the Department of Defense (DoD) imported doctrine on military responses to atrocity events from other organizations. At a Council of Foreign Relations lecture, she made the following statement:

But I do think that they [DoD] have their own learning to do because one of the dangers of importing doctrine is that it means that the machinery hasn't necessarily gone through its own process of intellectually absorbing the concepts and owning and inculcating the standard operating procedures.<sup>15</sup>

This monograph explores the challenges associated with a military intervention to stop genocide as to both strategic context and operational challenges. A study that attempts to apply lessons gleaned from one historical occasion to future events is speculative, and thus any conclusions are contestable. However, this monograph is one officer's attempt to "intellectually absorb" the challenges of responding to mass atrocity events. It is an effort to understand the strategic context in which policymakers decide whether to direct a military response by looking at a disturbing episode of history that many conclude the United States could have prevented.

## Monograph Structure

This monograph has five sections, the first of which will highlight the methodology used for the case study and definitions associated with the mass killing of civilians to include legal standing and associated issues. The remaining sections will present the corresponding

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<sup>15</sup> Sarah Sewall, "Chartering the U.S. Atrocities Prevention Board's Progress" (Video of lecture, Council on Foreign Relations, Washington DC, March 30, 2015), accessed December 2, 2016, <http://www.cfr.org/human-rights/charting-us-atrocities-prevention-boards-progress/p36332>.

development of international laws regarding such tragedies. Moreover, a historical outline will demonstrate the continuities associated with mass atrocity events. In addition, the author will present a case study on Rwanda in 1994 to understand the strategic context associated with the international community's failure to stop the genocide. Then a section discusses the military options that critics argue the international community should have pursued in Rwanda. Finally, this paper concludes with an analysis of the potential strengths and weaknesses of various approaches along with considerations for future military interventions in response to atrocity events.

## Methodology

This monograph investigates the circumstances that resulted in the international community's failure to intervene in the 1994 Rwandan genocide. Upon introduction of Responsibility to Protect (R2P), humanitarian interventionists viewed the concept as a remedy for the failure to stop genocide. Despite an international consensus to support the R2P concept, mass atrocities continue to take place in Syria, Sudan, South Sudan, and Burma.<sup>16</sup> This monograph considers whether the international community would have intervened in Rwanda had the R2P doctrine existed in 1994 as formulated by the International Commission on Intervention and State Sovereignty (ICISS) in 2001. Hence, the methodology for the case study relies on counterfactual analysis.

Max Weber explained in *The Methodology of the Social Sciences* that a counterfactual is “the mental construction of a course of events which is altered through modification in one or

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<sup>16</sup> Sara J. Bloomfield and Michael Abramowitz, “Don't Assume That the Rwandan Genocide Couldn't Happen Today,” *New Republic*, April 7, 2014, 1, accessed February 23, 2017, <https://newrepublic.com/article/117285/rwanda-genocide-20-year-anniversary-what-have-we-learned>.

more conditions.”<sup>17</sup> A counterfactual proposition is composed of an antecedent, consequent, and causal path linking the two together. The counterfactual antecedent is the change in initial conditions from what occurred to what might have led to the counterfactual consequent.<sup>18</sup> For this monograph, the counterfactual antecedent is the existence of the R2P concept before the 1994 Rwandan Genocide. A counterfactual consequent is the hypothesized consequences that may have occurred due to the change in initial consequences.<sup>19</sup> This monograph explores whether the application of military force to stop the genocide in Rwanda would have met the criteria for military intervention as outlined by the 2001 ICISS report on R2P. If a nation cannot justify military intervention under the R2P criteria, then that may imply that the R2P criteria presents too strict of a framework for decisions on intervention. The counterfactual premise analyzed in this monograph is that the concept of R2P, as outlined in the 2001 ICISS report, existed in 1994 and was understood by policymakers. The hypothesized consequent is that the United States still would not have deployed an intervention force to stop the genocide.

Precedence exists for a counterfactual analysis of the US lack of intervention in Rwanda. In *The Limits of Humanitarian Intervention*, Alan J. Kuperman analyzed whether the United States could have stopped the genocide in Rwanda if the POTUS had unilaterally ordered a military operation as soon as he realized that there was a genocide.<sup>20</sup> Kuperman’s counterfactual analysis draws out the operational challenges associated with a proposed intervention in Rwanda, particularly with regards to logistics, lack of intelligence, and the pace at which the violence took

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<sup>17</sup> Max Weber, *The Methodology of the Social Sciences*, trans. Edward A. Shils and Henry A. Finch (New York: Free Press, [1905] 1949), 173.

<sup>18</sup> Jack S. Levy, “Counterfactuals, Causal Inference, and Historical Analysis,” *Security Studies* 24, no. 3 (September 18, 2015), 388.

<sup>19</sup> Levy, 388.

<sup>20</sup> Alan J. Kuperman, *The Limits of Humanitarian Intervention: Genocide in Rwanda* (Washington, DC: Brookings Institution Press, 2001), 3.

place. While not explicitly structured as a counterfactual analysis, other works that fault the United States for not intervening in Rwanda also make counterfactual arguments. Those critics argue that military intervention would have been successful and would not have made the situation worse. Hence, an understanding of the strategic context involved in the policy decision to intervene to stop genocide is essential for a military planner. The counterfactual premise of this monograph adds strategic context to Kuperman's argument.

The case study section of the monograph evaluates the strategic context for the international community's, particularly the United States, lack of intervention in Rwanda through the military intervention criteria outlined in the 2001 ICISS R2P report. To properly scope a counterfactual argument of whether the United States would have intervened based on the 2001 ICISS R2P military intervention criteria, this paper focuses on the R2P pillar of responsibility to react. The other two pillars of R2P, the responsibilities to prevent and rebuild, add numerous variables outside of the scope of this paper. Also, two assumptions justify such boundaries for this investigation. First, in considering the responsibility to prevent, it may not be possible to avoid large scale mass atrocities from occurring everywhere and all of the time. The second assumption is that the outbreak of a situation as horrendous as the Rwandan Genocide may necessitate intervention before the international community can determine, agree, and assign responsibilities to rebuild. Viewing the international community's response to the Rwandan Genocide through a R2P lens may make it possible to derive not only a clear analytical framework that can help guide future decisions on whether to intervene to stop a mass atrocity event, and it also may improve the R2P intervention criteria.

# The Phenomenon of Mass Atrocities

## Definition Issues

Mass atrocity is an umbrella term commonly used to convey one of four crimes specifically mentioned in UN General Assembly Resolution 60/1 which is also known as the “2005 World Summit Outcome on the Responsibility to Protect.” Those crimes include genocide, crimes against humanity, war crimes, and ethnic cleansing.<sup>21</sup> Joint Publication 3-07.3, *Peace Operations*, states that a mass atrocity “refers to widespread and often systematic acts of violence against civilians by state or non-state armed groups, including killing, causing serious bodily or mental harm, or deliberately inflicting conditions of life that cause serious bodily or mental harm.”<sup>22</sup>

Policymakers and the military use the term mass atrocity to lessen the difficulties associated with the term of genocide. International law does not define the term mass atrocity; however, three of the crimes that the term includes do have legal definitions. The international community has codified genocide, crimes against humanity, and war crimes into international law.<sup>23</sup> A starting point in the decision-making process for policymakers to decide on military action is whether an intervention is legally justified.<sup>24</sup> To do so requires understanding the legal definitions of the terms known as mass atrocities so as to understand whether events on the

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<sup>21</sup> Straus, 30.

<sup>22</sup> Joint Publication (JP) 3-07.3, *Peace Operations* (Washington, DC: Government Printing Office, 2012), B-1.

<sup>23</sup> Straus, 30.

<sup>24</sup> Obama, Executive Order 13729. Executive Order 13729 provides a more generic definition but points out that the term mass atrocities is not included in international law but that genocide is. “For purposes of this order, the term ‘mass atrocities’ or ‘atrocities,’ neither of which is defined under international law, refers to large scale and deliberate attacks on civilians, and includes acts falling within the definition ‘genocide’ as defined in international law and under U.S. domestic statute.”



ground reflect what is declared unacceptable by the international community. The following sections discuss each of these terms along with others that do not have legal definitions.

## Genocide

Perhaps no word is as politically charged as the word “genocide.” Its use is controversial since it may not mean the same thing to everyone who uses the term. Even more debatable is what its usage implies for military intervention. Discussion of what constitutes genocide and its legal implications played a central role in policy discussions during the Rwandan Genocide. Therefore, it is important to discuss the definitional ambiguity that may arise when labeling an event as a genocide.

### United Nations Convention on Genocide

The driving force behind the UN Convention on Genocide was Polish-born lawyer Raphael Lemkin who coined the term "genocide." As early as 1933, Lemkin addressed the issue of genocide in a paper he sent to a League of Nations conference in Madrid, Spain. He proposed the addition of acts of barbarity and vandalism as violations of international law. Lemkin's proposal was not accepted. Coincidentally, that same year, Adolph Hitler won Germany's democratic election. Lemkin felt that his proposal would have subdued the ascendancy of Nazism by punishing perpetrators of atrocities targeting "national, religious and ethnic groups" through legal prosecution whenever they set foot upon the territory of a signatory nation.<sup>25</sup> The term genocide first appeared in Lemkin's book *Axis Rule in Occupied Europe* published in 1944.

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<sup>25</sup> Docker, 51-51.

Lemkin formed the term by combining the Greek word for tribe, "genos," with the Latin word for death, which is "cide."<sup>26</sup>

The UN CPPCG provides the most accepted definition of genocide. The UN adopted the following definition in December 1948 and published it in January 1951. Article II of the Convention defines genocide as

any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.<sup>27</sup>

Exactly what the term genocide entails is often debated and was a central issue of discussion among United States Government (USG) officials during the Rwandan Genocide. US officials debated whether the term genocide applied to the events in Rwanda as late as May 20, 1994, forty-four days after the killing started.<sup>28</sup> The use of the word genocide implies legal, political, and moral responsibilities. For example, USG officials labeled the events in Rwanda as “acts of genocide” only after a legal opinion stated that the USG was not legally obligated to intervene or punish the perpetrators.

In the political and moral realms, the term genocide may sway domestic opinion or reputation with other governments and non-government organizations. In the same memorandum

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<sup>26</sup> Docker, 51-51.

<sup>27</sup> United Nations General Assembly, CPPCG, 278.

<sup>28</sup> Assistant Secretary of State for African Affairs George E. Moose, Assistant Secretary of State for Democracy, Human Rights and Labor, John Shattuck, Assistant Secretary for International Organization Affairs Douglas Bennet, and Department of State Legal Advisor Conrad K. Harper, “Has Genocide Occurred in Rwanda?,” memorandum through Under Secretary of State for Political Affairs Peter Tarnoff and Under Secretary of State for Political Affairs Peter Tarnoff and Under Secretary of State for Global Affairs Tim Wirth, for Secretary of State Warren Christopher, Washington DC, May 21, 1994, accessed December 2, 2016, <http://nsarchive.gwu.edu/NSAEBB/NSAEBB53/rw052194.pdf>.

that documented the US State Department's legal concern over the use of the term genocide, officials also expressed worry that failure to acknowledge that the term genocide applied to the events in Rwanda could undermine credibility with human rights organizations and the general public.<sup>29</sup> The next section discusses the shortcomings of the UN definition of genocide and the relationship of genocide to other terms used to describe mass killing of civilians.

The UN definition of genocide presents four major challenges. The first is the broad scope of acts that constitute genocide. The second is that the UN bases the CPPCG definition on the idea of intent, which makes it difficult to prove until adjudicated in a court of law. The third problem is the need for a UN declaration before a UN member state can act. The fourth challenge is the subjective nature of aspects of the definition. The ambiguities surrounding the UN definition has resulted in genocide scholars developing wide-ranging definitions for genocide.

The UN definition and scope goes beyond mass killing concerning what constitutes the act of genocide and sets five criteria that can constitute genocide. Furthermore, the definition submits that perpetrators of genocide do not have to meet all of the conditions by stating "any of the ...acts," not "all."<sup>30</sup> The UN definition indicates that if, a situation meets any of its five criteria, then genocide has occurred and hence killing may not even be involved. For example, genocide scholar Helen Fein points out that genocide history focuses on killing by execution while more deaths have resulted from starvation and disease, which she calls "genocide by attrition." She points out that 700,000 Jews during the Holocaust perished in this manner, as well

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<sup>29</sup> US Department of State, "Has Genocide Occurred in Rwanda?"

<sup>30</sup> Michael Alan Adelberg, "Races at War: Nationalism and Genocide in Twentieth Century Europe" (master's thesis, Naval Postgraduate School, 2005), 10-11.

as approximately 885,000 out of the two million that died in Cambodia's genocide under the Khmer Rouge.<sup>31</sup>

Another facet of the UN definition that lends itself to ambiguity is the element of intention. The phrase “with the intent to destroy, in whole, or in part” means that an unsuccessful attempt at genocide is genocide nonetheless.<sup>32</sup> This phrase implies that the entire group does not have to suffer for genocide to occur. Genocide has taken place if a perpetrator targets just one member of a protected group when there is intent to hurt more. Protected groups covered under the CPPCG include national, ethnic, racial, or religious groups.<sup>33</sup>

The issue of intent is one aspect that makes the decision to conduct a military intervention a difficult choice. A perpetrator does not usually make explicit statements to the world that its intent is to commit genocide or any of the acts outlined in the CPPCG that constitutes genocide.<sup>34</sup> If an actor within a state is thought to have committed genocide, then that country's government determines whether the intent was present. If the international community deems a state's government as a perpetrator of genocide, then the United Nations is the final arbiter of whether there is a finding of intent. David Scheffer notes:

Identifying genocide as it unfolds is no simple endeavor despite its obvious character when viewed in retrospect. Media accounts must be weighed with

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<sup>31</sup> Helen Fein, “Genocide by Attrition 1939-1993: The Warsaw Ghetto, Cambodia, and Sudan,” *Health and Human Rights* 2, no. 2 (1997): 12, 19, accessed December 2, 2016, <http://www.jstor.org/stable/4065270>.

<sup>32</sup> Adelberg, 10-11.

<sup>33</sup> United Nations General Assembly, CPPCG, 281.

<sup>34</sup> Samuel Totten and William S. Parsons, eds., *Century of Genocide: Critical Essays and Eyewitness Accounts*, 2nd ed. (New York: Routledge, 2004), 299. There are notable cases in which the perpetrators specifically stated that their intent was to exterminate a certain population. For example, a Pakistan military commander during the genocide in Bangladesh in 1971 is reported to have stated his forces would kill four million Bengalis in 48 hours to achieve a “Final Solution.” Margot Stern Strom and William S. Parsons, *Holocaust and Human Behavior* (Watertown, MA: International Education, 1982), 319. When Hitler's staff broached the possibility of Germany being on the wrong side of world opinion concerning his genocidal plans, he replied, “Who still talks nowadays of the extermination of the Armenians?”

diplomatic observations, intelligence reports, and reporting by human rights NGOs. Nor is it possible, usually, to ascertain easily, in real time, the necessary intent required by the Genocide Convention to establish the crime of genocide.<sup>35</sup>

The determination of intent to commit genocide typically occurs in an international criminal tribunal established by the UN Security Council. Examples include the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR). These tribunals were established to try individuals long after genocidal violence had taken place. Since there is typically no declaration of intent to commit genocide nor plans that outline these actions, prosecutors prove intent through the facts that have occurred and the associated circumstances. The tribunals consider the context of whether the genocidal acts were performed systematically, whether those acts occurred against the same group, the scale of the acts committed, the types of weapons employed, and the repetitiveness of the acts.<sup>36</sup> Hence, the concept of intent is difficult to prove before the death of many civilians.

Additionally, a nation that is willing to intervene to stop a genocide in another country must wait until the UN declares that genocide is occurring there. If a nation proceeds without such a resolution, it subjects itself to a possible finding by the international community that it has conducted an illegal intervention. Without a UN resolution authorizing action, a state would assume the burden of proving that it took legitimate steps to stop mass atrocities. The mere fact that a state seeks to prove so after the fact may lead others states to question the motives for intervention. Additionally, if the rest of the international community found that there was no legitimate reason for intervention, then the state that conducted an illegal intervention would be

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<sup>35</sup> David Scheffer, "The United States: Measures to Prevent Genocide" (lecture, US Holocaust Memorial Museum, Washington, DC), accessed February 27, 2017, <https://www.ushmm.org/confront-genocide/speakers-and-events/all-speakers-and-events/early-warning-and-prevention/the-united-states-measures-to-prevent-genocide>.

<sup>36</sup> "The Genocide Convention in International Law," US Holocaust Memorial Museum, accessed February 4, 2017, <https://www.ushmm.org/confront-genocide/justice-and-accountability/introduction-to-the-definition-of-genocide>.

subject to the provisions of the UN Charter that allow the UN to take measures against states that commit acts of aggression.

The fourth challenge to the UN definition is the subjective nature of some aspects of the definition. Some scholars argue that the condition of “causing serious bodily or mental harm to members of the group” stated in the CPPCG definition implies that actions taken with the intent to damage a specific group through economic, social, or political means may result in serious mental harm. Therefore, genocide may have been committed without murder. Another issue is that the UN definition does not place a time standard for its non-lethal criteria. For example, one could argue that a one-day event in which no one dies is genocide if there is intent to commit genocide and mental harm.<sup>37</sup> Subjective aspects such as these create caution in labeling an event definitively as genocide either before a tribunal or the International Criminal Court prosecutes the perpetrators.<sup>38</sup>

In addition to the four major definitional problems Barbara Harff points out more shortcomings of the CPPCG definition of genocide. She argues the definition excludes political groups and fails to consider acts of genocide committed by non-state actors.<sup>39</sup> In collaboration with Ted Robert Gurr, Harff expresses that another area of contention between scholars is the distinction between genocides and politicides from acts of war. Harff and Gurr argue for classifying any systematic killing of unarmed civilians as genocide.<sup>40</sup>

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<sup>37</sup> Adelberg, 10-11.

<sup>38</sup> Straus, 7. In 1998 the United Nations established the International Criminal Court (ICC) under the Rome Statute to serve as a permanent, standing court to try those accused of genocide, crimes against humanity, and war crimes. Scheffer, “The United States: Measures to Prevent Genocide.” Scheffer points out that the U.S. does not support the current form of the international criminal court because one of the provisions of the Rome Statute exposes the U.S. to politically motivated charges when carrying out humanitarian interventions.

<sup>39</sup> Barbara Harff, “No Lessons Learned from the Holocaust? Assessing Risks of Genocide and Political Mass Murder Since 1955,” *American Political Science Review* 97, no. 1 (February 2003), 58, accessed December 2, 2016, <http://www.jstor.org/stable/3118221>.

<sup>40</sup> Harff and Gurr, 360.

Political scientist Ernesto Verdeja argues that the CPPCG definition of genocide suffers from four conceptual issues that have affected the study of genocide. In addition to Harff's argument for political groups, Verdeja notes the exclusion of economic groups as potential victims in the UN definition. Second, Verdeja notes that the CPPCG definition fails to specify a minimum threshold of what constitutes destruction of a group, fails to explain what proves the intent to commit genocide, and fails to specify the common elements for the different actions that it states establishes genocide. Verdeja notes that the shortcomings of the CPPCG definition of genocide have led to more than twenty definitions put forth by scholars, resulting in a lack of consensus on the definition of genocide in the current literature. The lack of a common definition means that scholars differentiate among events to such a degree that theories cannot compare processes and causal mechanisms.<sup>41</sup>

The lack of clarity about the criteria in the CPPCG definition can lead to the over-classification of events as genocide. The lack of clarity is one of the causes of delay by policymakers to label an event genocide. Academic scholars and policymakers use various terms to describe the systemic murder of civilians. One factor that accounts for these different terms is the definitional issues associated with the term genocide. Another factor is the recency of genocide as a concentration of study by academics. Terms used to describe the systematic murder of civilians include crimes against humanity, war crimes, ethnic cleansing, politicide, and democide.

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<sup>41</sup> Ernesto Verdeja, "The Political Science of Genocide: Outlines of an Emerging Research Agenda," *Perspectives on Politics* 10, no. 2 (2012): 309, accessed December 2, 2016, <http://www.jstor.org/stable/41479553>; Helen Fein, "Genocide and Other State Murders in the Twentieth Century" (lecture, Washington DC, US Holocaust Memorial Museum, October 24, 1995), accessed February 22, 2017, <https://www.ushmm.org/confront-genocide/speakers-and-events/all-speakers-and-events/genocide-and-mass-murder-in-the-twentieth-century-a-historical-perspective/genocide-and-other-state-murders-in-the-twentieth-century>. Genocide scholar Helen Fein points out that if the United Nations had set a numerical threshold in the definition of genocide, it would have given "an implicit license to kill to potential perpetrators. In other words, a perpetrator would know they could kill a certain number or percentage of a group without being labeled as committing genocide."

## Crimes Against Humanity

The international community defines crimes against humanity (CAH) in Article 7 of the Rome Statute of the International Criminal Court (ICC). CAH encompasses numerous acts including murder, extermination, enslavement, enforced disappearances, apartheid, torture, and imprisonment. The “deportation or forcible transfer of population” falls under CAH along with many specific acts relating to sexual violence such as “rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other form of sexual violence of comparable gravity.”<sup>42</sup> Any persecution based on membership in a group including “political, racial, national, ethnic, cultural, religious, gender” constitutes a CAH. Article 7 also states that CAH includes “other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.” CAH are similar to genocide in the sense that both consists of violent acts that are large-scale, organized, systematic, and directed against civilians.<sup>43</sup>

## War Crimes

International law defines war crimes through the Geneva Conventions and its additional protocols. The Geneva Conventions provide for the protection of combatants and civilians during a war. The term “war crime” is the most encompassing term that falls under the umbrella of mass atrocities by including more than fifty separate acts under Article 8 of the Rome Statute. Many of the acts listed under war crimes coincide with acts listed under genocide or crimes against humanity. However, there are three primary differences between the war crimes and the other terms as noted by Scott Straus. War crimes are not group-selective. They occur only in wartime

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<sup>42</sup> International Criminal Court, *Rome Statute of the International Criminal Court*, July 1, 2002, A/CONF.183/9, accessed December 2, 2016, <http://www.un.org/law/icc/index.html>.

<sup>43</sup> Straus, 36.



while the CAH, genocide, and ethnic cleansing apply in war or peace. Finally, an act does not have to occur on a large-scale basis like the other terms for consideration as a war crime.<sup>44</sup>

## Ethnic Cleansing

Ethnic cleansing focuses on removing particular groups of people from a given territory. Ethnic cleansing can include acts of terrorism to induce people to leave an area through fright and/or the rape of women to change the ethnic makeup of a territorial zone. At the end of the spectrum of ethnic cleansing is mass killings to remove certain people from an area.<sup>45</sup> Hence, ethnic cleansing is genocide since it implies mental harm and when it is against one of the protected groups mentioned in the CPPCG definition.

## Politicide

A politicide occurs when a state government targets a set of people based on that group's political affiliation or objectives. Most often, it is because the group is a source of opposition to the current regime. A historical example of politicide is the reprisal killings by the administration of Ugandan President Milton Obote. Obote's government carried out attacks against ethnic groups thought to be loyal to his predecessor General Idi Amin. This politicide event lasted from 1983 to 1985 as Uganda's new government killed thousands of its citizens.<sup>46</sup>

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<sup>44</sup> Straus, 39.

<sup>45</sup> Gareth Evans and Mohamed Sahnoun, *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty* (Ottawa: International Development Research Centre, 2001), 33, accessed December 2, 2016, [http://www.globalr2p.org/media/files/iciss\\_report.pdf](http://www.globalr2p.org/media/files/iciss_report.pdf).

<sup>46</sup> Harff, 58-60.

## Democide

Political scientist R.J. Rummel provided the most inclusive definition of the murder of civilians by their government under the term “democide.” Rummel includes any acts of intentional killing of unarmed people under this term. Democide includes deaths caused by genocide, politicide, ethnic cleansing, state-sponsored terrorism, or any other massacre or mass murders carried out by a state’s government or allowed to occur by that government.<sup>47</sup>

## Conclusion

Understanding and gaining consensus on the definitions of terms for mass atrocities present multiple challenges. First, there are several substantive problems with the definition of genocide as put forth by the CPPCG. Second, these issues have led to many differing and competing standards among scholars as to what constitutes genocide. Finally, to minimize the difficulties caused by the CPPCG definition, the USG has adopted the term “mass atrocity.” However, the term “mass atrocity” can represent not only moral but also legal commitments to policymakers since it encompasses the crimes of genocide, crimes against humanity, war crimes, and ethnic cleansing. The international community has codified all of these crimes into law with the exception of ethnic cleansing. Despite the various terms that now describe systematic violence against civilians, this phenomenon has historical continuity. The purpose of the next section is to provide a short historical sketch that compares the occurrence of the phenomenon throughout history.

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<sup>47</sup> Rudolph J. Rummel, *Death by Government* (New Brunswick, NJ: Transaction Publishers, 1994), 31-42.

## Historical Context

Although the designation of mass atrocity and its constituent terms are relatively new, the mass killing of civilians forms a continuity of human existence.<sup>48</sup> For example, the term genocide did not enter the lexicon of international law until 1948; however, the phenomenon has occurred throughout history. A short history of genocide events is helpful background before delving into a single case study. The occurrence of genocide reaches across both time and space of human existence. It would necessitate volumes of work to capture all accounts of the phenomenon. Frank Chalk and Kurt Jonassohn, in *The History And Sociology of Genocide: Analyses and Case Studies*, categorize genocides into four types. These categories include genocides against external enemies, genocide to suppress real or potential enemies, genocide to acquire economic wealth, and genocide to implement a belief, theory, or ideology.<sup>49</sup> These classifications permit a chronological discussion to highlight genocides from antiquity to present day.

### Genocide in Antiquity

Chalk and Jonassohn point out that the first three types of genocide have roots in ancient times but disappeared as a present-day occurrence. In contrast, ideological genocides only occurred in the twentieth century except for a few "transitional cases" in earlier periods. Genocide against external enemies came into being with the advent of "city-states and empires" during the ancient period. City-states and empires conducted such genocides for "access to wealth and over

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<sup>48</sup> John Lewis Gaddis, *The Landscape of History: How Historians Map the Past* (Oxford: Oxford University Press, 2004), 30. In this seminal work, historian John Lewis Gaddis describes continuities as "patterns that extend across time" and further states that they are "simply phenomena that recur with sufficient regularity to make themselves apparent to us."

<sup>49</sup> Frank Chalk and Kurt Jonassohn, *The History and Sociology of Genocide: Analyses and Case Studies* (New Haven: Yale University Press, 1990), 32-37.

control of transportation networks."<sup>50</sup> Winners of these conflicts learned that the only way to prevent a vanquished opponent from regrouping and rebuilding for revenge was to destroy its entire society through death or slavery.<sup>51</sup>

Genocides to suppress enemies developed later during antiquity as ever-growing empires realized the tremendous cost of labor and resources to garrison conquered territories and sought compliance of the native population through fear. Genocides committed for wealth occurred throughout much of history. These types of genocide, as denoted in the popular media and academic fora of today, coincide mostly with the exploration and settlement of the Americas starting in the 1600s. This category includes the colonization of Africa in the 1800s as well.

Although no one can know for sure when the first genocide occurred, Old Testament books of the Bible contain references to the phenomenon of genocide. Mahmood Mamdani writes, "the genocidal impulse may be as old as organized power" citing Moses' instructions for the Israelites to destroy all the males of the Midianite people.<sup>52</sup> The book of Deuteronomy describes the Israelites' conquest of the land of Canaan in which Moses instructed the Israelites that they must kill all the native Canaanite men but may keep anything of value.<sup>53</sup> In their conquest of the city of Jericho, the Israelite tribes "destroyed with the sword every living thing in it-men and women, young and old, cattle, sheep and donkeys."<sup>54</sup> Much controversy exists between Biblical scholars and critics of the Bible about the nature, ethics, and accuracy of such

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<sup>50</sup> Chalk and Johnassohn, *The History and Sociology of Genocide*, 32, 37. Chalk and Jonassohn state that "these three types of genocide, all relating to the building and maintaining of empires, have largely disappeared from history for the simple reason that modern states have become so large that it is no longer possible for the victor to exterminate the defeated enemy."

<sup>51</sup> Ibid., 32.

<sup>52</sup> Mahmood Mamdani, "A Brief History of Genocide," *Transition* no. 87 (2001): 26, accessed December 2, 2016, <http://www.jstor.org/stable/3137437>.

<sup>53</sup> Wes Morriston, "Ethical Criticism of the Bible: The Case of Divinely Mandated Genocide," *Springer* 51, no. 1 (2012), 2-3.

<sup>54</sup> Joshua 6:20-21 (New International Version).

events, so detailed analysis in this paper would not be possible or appropriate. These examples show, however, how long the concept of, if not the term, “genocide” has been with humanity.

Rome's destruction of the city of Carthage shows one example of a growing empire that committed genocide to help its expansion and remove a future threat. From 264 B.C. through 146 B.C., the Roman and Carthaginian cities fought three conflicts labeled the Punic Wars. Carthage's repeated rise to fight yet another war during more than a hundred years of disagreement between the two cities convinced Roman leaders that the complete destruction of Carthage was a necessity for Rome.<sup>55</sup> Rome laid siege to Carthage for three years in the Third Punic War, resulting in the death of 150,000 Carthaginians. Roman legions transported the 55,000 survivors away from their homes and placed them into slavery. The Romans demolished the city of Carthage so that its reconstruction would be infeasible. The city of Carthage, along with its culture, ceased to exist. At the time of its destruction, Carthage was the world's wealthiest city, and its destruction allowed Rome to expand further.<sup>56</sup>

## Colonialism

Studies on the Holocaust provide both the breadth and depth of genocide research; however, scholars are striving to provide more insight on other genocidal events. Jurgen Brauer and Raul Caruso provide one such study focusing on genocides that occurred prior to the Holocaust in which indigenous populations were the victims. One group of casualties highlighted by the authors is the Yana tribe of Native Americans from California's Central Valley. Before the California Gold Rush in the late 1840s, the Yana numbered at least 3,000. As settlers arrived in

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<sup>55</sup> Kurt Jonassohn and Frank Chalk, “A Typology of Genocide and Some Implications for the Human Rights Agenda,” in *Genocide and the Modern Age: Etiology and Case Studies of Mass Death*, ed. Isidor Wallimann, Michael Dobkowski, and Richard L. Rubenstein (New York: Greenwood Press, 1987), 13.

<sup>56</sup> Ben Kiernan, “The First Genocide: Carthage: 146 BC,” *Diogenes* 203 (2004), 27-29, accessed December 2, 2016, [http://gsp.yale.edu/sites/default/files/first\\_genocide.pdf](http://gsp.yale.edu/sites/default/files/first_genocide.pdf).

greater numbers during the Gold Rush, they began killing the Yana to use the land for mining, ranching, and hunting. The California government in the 1850s supported the settlers' actions against the Yana with militia and financial resources. At the beginning of the twentieth century, only one Yana member remained, announcing the conclusion of the Yana as a people.<sup>57</sup> While there are many other examples of genocidal events during this period, this instance highlights the complicity of both a government and a population in committing genocide. These are not isolated cases; the twentieth century provides more.

## The Twentieth Century

The twentieth century had "more killing than at any other time in history."<sup>58</sup> The twentieth century provides the most infamous cases of genocide. Two of the earliest events of the century, the Herero and the Armenian genocides, provide context for the most notorious genocidal chapter - the Holocaust.

The first genocidal event of the twentieth century occurred in conjunction with Germany's colonization of Southwest Africa in present day Namibia. To prevent the confiscation of their land and cattle by German settlers, the Herero people resorted to the use of force against the settlers in 1904. The German military used its modern infantry and artillery against the primitively armed Herero and afforded the Herero only one avenue of escape, which was across the Kalahari Desert. The trek across the desert cost the lives of eighty percent of the 80,000 member Herero tribe. The German military placed the remaining Herero in labor camps where

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<sup>57</sup> Jurgen Brauer and Raul Caruso, "For Being Aboriginal: Economic Perspectives On Pre-Holocaust Genocide and Mass Killings," Munich Personal RePEc Archive (MPRA) Paper No. 64462, May 2015, 5-6, accessed December 2, 2016, <http://mpa.ub.uni-muenchen.de/64462>.

<sup>58</sup> Mark Levene, "Why Is the Twentieth Century the Century of Genocide," *Journal of World History* 11, no. 2 (Fall 2000): 305, accessed December 2, 2016, <http://www.jstor.org/stable/20078852?origin=JSTOR-pdf>.

further deaths resulted from disease-ridden conditions, overwork, and starvation.<sup>59</sup> These atrocities meet the UN definition of genocide because, in addition to killing, Germany was “deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.”<sup>60</sup>

Turkey does not acknowledge the death of approximately 1.5 million Armenians that occurred in 1915 as state-sponsored genocide. Other countries and institutions, such as the Association of Genocide Scholars have long recognized this fact.<sup>61</sup> While previous governments sanctioned genocide, the Turkish government actively codified the Armenian genocide into law with the “Temporary Law of Deportation” and the “Temporary Law of Expropriation and Confiscation.” The deportation law allowed army commanders to deport groups on “suspicion of espionage, treason, [or] military necessity.”<sup>62</sup> The “Temporary Law of Expropriation Confiscation contained eleven articles. The director of the Deutsche Bank during that time, Arthur von Gwinner, summarized the law’s two salient points: “all goods of the Armenians are [to be] confiscated” and “the government will cash in the credits of the deportees and will repay (or *will not repay*) their debts.”<sup>63</sup>

One law allowed the government to move the Armenian people from their homes and the other allowed the Turkish government to take the property they left behind. Acclaimed scholar Richard Rubenstein describes the Armenian Genocide as “perhaps the first full-fledged attempt by a modern state to practice disciplined, methodically organized genocide.”<sup>64</sup> It was during this

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<sup>59</sup> Mamdani, 31.

<sup>60</sup> UN General Assembly, CPPCG, 278.

<sup>61</sup> Peter Balakian, *The Burning Tigris: The Armenian Genocide and America's Response* (New York: Harper Perennial, 2004), xix.

<sup>62</sup> Ibid., 187.

<sup>63</sup> Balakian, 187.

<sup>64</sup> Richard L. Rubenstein, *The Cunning of History* (New York: Harper Perennial, 1987), 11

atrocities that the term “crimes against humanity” was first used. At a meeting in London in May 1915 the Allied powers of World War I made the following statement

in view of these new crimes of Turkey against humanity and civilization, the allied governments announce publicly to the Sublime Porte that they will hold personally responsible for these crimes all members of the Ottoman Government, and those of their agents who are implicated in such massacres.<sup>65</sup>

The Armenian Genocide, though, paled in comparison to the extent of the organization and depth of destruction that the German state practiced before and during World War II against the Jewish people and other groups.

The Holocaust, directed by the Nazi-controlled German government from 1933 to its defeat at the end of World War II in 1945, is the event most easily recognized as genocide. During this period, the Nazis directed a process that led to the murder of more than eleven million civilians. The largest number of victims and the Nazi party's primary target were the Jewish people of whom the Nazis murdered six million. The Nazis also systematically killed five million civilians they considered “undesirables” such as the Poles, Roma, communists, and homosexuals.<sup>66</sup> Religious minorities and physically or mentally disabled German citizens were also victims.<sup>67</sup>

As mentioned earlier, previous genocidal events provide context for the occurrence of the Holocaust. When Hitler’s staff broached the possibility of Germany being on the wrong side of world opinion concerning his genocidal plans, he replied, “Who still talks nowadays of the

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<sup>65</sup> Balakian, 425.

<sup>66</sup> Power, 47.

<sup>67</sup> “Holocaust,” Yale University Genocide Studies Program, accessed December 2, 2016, <http://gsp.yale.edu/case-studies/holocaust>. Rudolph J. Rummel, *Lethal Politics: Soviet Genocide and Mass Murder Since 1917*, Revised ed. (New Brunswick: Transaction Publishers, 1990), xii. The Nazis cannot take credit for murdering the most civilians. In *Lethal Politics*, Rummel cites that many authors believe that as many as 23 to 32 million Soviet citizens were killed by the Soviet government during a period that lasted from 1926 to 1954.



extermination of the Armenians?"<sup>68</sup> It is important to note that it was in the Herero concentration camps that German geneticist Eugene Fischer began his racially-prejudiced claims of genetic race superiority, published later as *The Principle of Human Heredity and Race Hygiene*. This book informed Hitler's ideology of Aryan superiority and the need to cleanse Germany of races he perceived as inferior.<sup>69</sup>

The magnitude of the Holocaust energized world opinion against such atrocities and resulted in the adoption of the UN CPPCG in 1948. Previous writings discussed moral and religious reasons for stopping mass atrocities. The CPPCG codified into international law that genocide is an international crime and that the international community was obligated to take action to stop atrocities and punish the perpetrators. However, the CPPCG provides no mechanism for doing so other than that which is already spelled out by the UN Charter under Chapter VII.<sup>70</sup> Despite the CPPCG, genocides continued to occur, and many civilians lost their lives as the Security Council took no action. At best, a nation took unilateral action only for the international community to later declare it as illegal. One such example noted by Michael Walzer

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<sup>68</sup> Strom and Parsons, *Holocaust and Human Behavior* (Watertown, Mass.: International Educations, 1982), 319. US President, "Remarks by the President in a Ministerial Meeting on Sudan" (speech, United Nations, New York, New York, September 24, 2010), accessed February 25, 2017, <https://obamawhitehouse.archives.gov/photos-and-video/video/2010/09/24/president-obama-attends-ministerial-meeting-sudan#transcript>. The tendency that allowing perpetrators of genocide to go unpunished emboldens other leaders to perpetrate such crimes in the future is most likely what prompted President Obama to state the following at a speech at the UN concerning conflict in the Sudan: "Indeed, there can be no lasting peace in Darfur and no normalization of relations between Sudan and the United States without accountability for crimes that have been committed. Accountability is essential not only for Sudan's future, it also sends a powerful message about the responsibilities of all nations that certain behavior is simply not acceptable in this world; that genocide is not acceptable. In the 21st century, rules and universal values must be upheld."

<sup>69</sup> Mamdani, 32.

<sup>70</sup> United Nations General Assembly, CPPCG, 282. Article VIII states that "any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any other acts enumerated in article III."

in *Just and Unjust Wars* is India's invasion of East Pakistan (now known as Bangladesh) in 1971.<sup>71</sup>

A movement for autonomy in Bangladesh intensified in 1970, in which the Awami League, the political party representing the movement, won a majority of the seats in Pakistan's December 1970 National Assembly elections. The election results motivated Pakistan's president, Yahya Khan to refuse to convene the parliament, which triggered massive protests in East Pakistan and further impelled Pakistan's government to declare martial law in the province. The conflict continued to escalate between the Awami League and the Pakistan government until civil war broke out on March 26, 1971.<sup>72</sup>

India's government easily identified the actions taken by Pakistan's army in Bangladesh as mass atrocities. The killing of civilians by the Pakistan army was widespread with as many as three million civilians murdered along with the rape of 250,000 women. The killings were systematic in that Pakistan's army focused its efforts on particular groups including the Awami League, intellectuals, and Hindus.<sup>73</sup> The extensiveness of these atrocities alone would have provided India with just cause according to the R2P criteria to conduct an intervention into Bangladesh.

Whether India's intervention met the condition of right intention is contested. Some argue that India's actions cannot be assumed to be purely humanitarian and that it invaded more out of geopolitical interest that included weakening its rival, Pakistan, and accelerating its rise as

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<sup>71</sup> Michael Walzer, *Just and Unjust Wars*, 4th ed. (New York: Basic Books, 2006), 105.

<sup>72</sup> Thomas G. Weiss, *Military-Civilian Interactions: Humanitarian Crises and the Responsibility to Protect*, 2nd ed. (Lanham: Rowman & Littlefield Publishers, 2004), 182.

<sup>73</sup> Totten and Parsons, 295, 301.

a regional hegemon in the northeastern region of South Asia.<sup>74</sup> While those objectives may have been long term interests for India, it is clear that the immediate interest of India was to stop the massive refugee flow across its border. As many as ten million Bengalis fled to India and as many as thirty million became displaced citizens within Bangladesh's borders.<sup>75</sup> The refugee issue resulted from the massacres perpetrated by the Pakistan army. The refugee crisis presented a direct threat to India's stability through an exhausted economic aid capacities, overburdened public infrastructure and the potential to initiate a secessionist movement within India.<sup>76</sup> As noted by Michael Walzer, India's intervention in Bangladesh "is a better example of humanitarian intervention- not because of the singularity or purity of the government's motives, but because its various motives converged on a single course of action that was also the course of action called for by the Bengalis."<sup>77</sup>

India invaded Bangladesh as a last resort, after several diplomatic initiatives failed to stop the atrocities. During that time, India's government provided arms and training to the Bengali liberation movement. One also can argue that the Indian intervention met the proportional means test since the intervention into Bangladesh lasted less than 90 days.<sup>78</sup> India had reasonable prospects for a successful intervention since the perpetrators of the atrocities were clearly identifiable as Pakistan's army. Additionally, enough resources were applied to insure that there

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<sup>74</sup> Daniel C. Park, "India's Intervention in East Pakistan: A Humanitarian Intervention or an Act of National Interest?" *The Journal of Contemporary Asian Studies* 1, no. 3 (February 2016): 1-13, accessed March 16, 2017, <http://utsynergyjournal.org/2016/02/16/indias-intervention-in-east-pakistan-a-humanitarian-intervention-or-an-act-of-national-interest/>.

<sup>75</sup> Totten and Parsons, 295.

<sup>76</sup> Park, 1-13.

<sup>77</sup> Walzer, 105.

<sup>78</sup> Totten and Parsons, 307.

were strong prospects for success with an invasion force of approximately 270,000 troops against Pakistan's 90,000 soldier garrison in Bangladesh.<sup>79</sup>

The criteria that the Indian intervention most glaringly fails to meet when viewed through the R2P criteria is that of right authority. India was not granted authority from the United Nations to invade Bangladesh but rather claimed self-defense after Pakistan bombed ten of India's military airfields on December 3, 1971, in response to India providing a safe haven and air support for Bengali rebels. Immediately after the invasion, the United Nations convened to debate the legality of the intervention. India's representative painted the intervention in terms that were more consistent with the UN Charter stating that a large number of refugees created refugee aggression and formed a "constructive attack" on India. Despite its main defense being that it was responding to aggression with self-defense, India repeated many times that the situation in Bangladesh was a result of the atrocities committed by the Pakistan army. Only the Soviet Union and its member states agreed that India's intervention for self-defense was justified, and no states made an argument for justification based on humanitarian reasons.<sup>80</sup>

Another event is the atrocities that took place in Cambodia. The Khmer Rouge Regime, led by Pol Pot, took control of the Cambodian government in 1975 through a revolutionary movement that had been underway for the previous decade. The violent Khmer Rouge ruled Cambodia from 1975 to 1979, during which it was responsible for as many as two million deaths.<sup>81</sup> The Khmer Rouge directed their violence against a group of people they invented and

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<sup>79</sup> R. Ernest Dupuy and Trevor N. Dupuy, *The Harper Encyclopedia of Military History: from 3500 BC to the Present*, 4th ed. (New York, NY: Harper Resource, 1993), 1408.

<sup>80</sup> Weiss, *Military-Civilian Interactions: Humanitarian Crises and the Responsibility to Protect*, 183.

<sup>81</sup> Khmaboly Dy, *A History of Democratic Kampuchea (1975-1979)* (Phnom Penh: The Documentation Center of Cambodia, 2007), 3, accessed January 25, 2017, [http://www.dccam.org/Projects/Genocide/DK\\_Book/DK\\_History--EN.pdf](http://www.dccam.org/Projects/Genocide/DK_Book/DK_History--EN.pdf).

referred to as “new people,” Cambodians who lived in cities and those who were educated.<sup>82</sup> The Khmer Rouge's reign ended on December 25, 1978, when Vietnam invaded Cambodia and installed a proxy government.<sup>83</sup>

Although Vietnam's intentions have been debated, this case often is held up as a model for the use of force to protect human rights. While the international community made statements against the atrocities that were taking place in Cambodia, the UN failed to take any actions to stop the Khmer Rouge. After the invasion, the UN debated the legality of the intervention. Vietnam argued that two conflicts existed: One was between Cambodia and Vietnam in which Vietnam took offensive actions in self-defense; The second conflict was a civil war in Cambodia in which Vietnam supported Cambodian refugees (as the Kampuchean United Front for National Salvation) to liberate the country from a brutal regime. UN members' stances on whether Vietnam was justified in taking action without a UN Resolution took place in the context of Cold War geopolitics. The countries aligned with the Soviet Union sided with Vietnam. China and some western countries, along with countries in the non-aligned movement, denounced the invasion as a violation of Cambodia's sovereignty. As a result, the UN adopted a resolution that demanded the withdrawal of foreign troops from Cambodia. Despite the resolution, however, Vietnam did not withdraw all of its troops and advisors from Cambodia until a decade after the invasion.<sup>84</sup>

The Bosnian War lasted from 1992 to 1995 and invoked discussion of the ethnic cleansing that took place throughout the three-year conflict. For several decades, ethnic tensions

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<sup>82</sup> Straus, 61, 64.

<sup>83</sup> Ben Kiernan, “Conflict in Cambodia, 1945 - 2002,” *Critical Asian Studies* 34, no. 4 (2002): 487, accessed December 3, 2016, [http://www.yale.edu/cgp/CAS34-4\\_Kiernan\\_Introduction.pdf](http://www.yale.edu/cgp/CAS34-4_Kiernan_Introduction.pdf).

<sup>84</sup> Francis Kofi Abiew, *The Evolution of the Doctrine and Practice of Humanitarian Intervention* (The Hague: Springer, 1999), 127-131.

were held in check under Yugoslavia's communist government led by Marshal Tito who promoted a message of "brotherhood and unity."<sup>85</sup> During the civil war after Tito's death, the country's three primary ethnic groups vied for control of parts of the country. At varying points in the conflict, each group accused the other two groups of acts of ethnic cleansing.<sup>86</sup> The most heinous act of the war occurred in the Bosnian town of Srebrenica, which fell to Serbian attackers on July 11, 1995. Serbian forces deported as many as 30,000 Muslim women and children from the town and then executed at least 8,000 Muslim men.<sup>87</sup> The atrocities at Srebrenica galvanized international support to end the crisis, leading the North Atlantic Treaty Organization (NATO) to use air power to pressure Serbia to negotiate.<sup>88</sup>

The Rwandan genocide occurred from April to June 1994 and is one of the most violent episodes of mass killing in history and perhaps the most vicious in modern history after the Holocaust. In the course of only 100 days, at least 800,000 people died. This was ten percent of Rwanda's population.<sup>89</sup> The genocide occurred during a civil war between the Rwanda Patriotic Front (RPF), composed of rebels from the Tutsi ethnic group, and the Rwandan government, which was dominated by the Hutu ethnic group.<sup>90</sup> The genocide ended in June 1994 when the RPF overthrew the extremist Hutu régime and formed a national unity government. The RPF's

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<sup>85</sup> Power, 255-256.

<sup>86</sup> Linda Jacobs Altman, *Genocide: The Systematic Killing of a People* (Springfield, NJ: Enslow Publishers, 1995), 87.

<sup>87</sup> Margaret Haerens, *Genocide (Global Viewpoints)* (London: Greenhaven Press, 2012), 17.

<sup>88</sup> Steven L. Burg and Paul S. Shoup, *The War in Bosnia Herzegovina: Ethnic Conflict and International Intervention*, (London, England: M.E. Sharpe, 1999), 410.

<sup>89</sup> Richard Akresh and Damien de Walque, "Armed Conflict and Schooling: Evidence from the 1994 Rwandan Genocide," World Bank Policy Research Working Paper Series (2008): 1, accessed December 2, 2016, <http://hicn.org/wordpress/wp-content/uploads/2012/06/wp47.pdf>.

<sup>90</sup> Power, 333.

victory resulted in significant flows of Hutu refugees, in which over two million Rwandans fled to "Tanzania and the Democratic Republic of Congo."<sup>91</sup>

This short historical sketch provides four key ideas about genocide. First, genocide has occurred for as long as humans have walked the earth. It is not isolated to a particular time or geographical region. Second, prior to the twentieth century, genocide was predominately one of conquering people massacring another people. Recently, genocide incidents primarily occurred when states massacred their own citizens. Third, lack of acknowledgment and response from the international community emboldens other leaders to commit such acts due to the lack of repercussions. Lastly, genocide only ends when the perpetrators destroy their victims or when interveners use military force to stop the perpetrators. The Allies stopped the Nazis' genocidal plans in World War II. India defeated the Pakistani Army. The Vietnamese expelled the Khmer Rouge from Cambodia. NATO used air power to end the Bosnian War and the ethnic cleansing. The Rwandan Patriotic Front defeated the extremist Rwandan government.

## International Law Regarding Military Intervention

The UN's promulgation of a convention on genocide in 1948 focused the international community on the phenomenon of genocide and associated atrocities. However, the CPPCG lacks procedures for the international community to respond militarily to genocide. The use of military force to stop mass atrocities falls under the label of humanitarian intervention in academia and public policy. Despite the many descriptions of humanitarian intervention, author Aidan Hehir settles on the following definition after a comprehensive review: "Military action taken by a state, group of states or non-state actor, in the territory of another state, without that state's consent,

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<sup>91</sup> Akresh and de Walque, 1.

which is justified, to some significant extent, by a humanitarian concern for the citizens of the host state.”<sup>92</sup>

The subject of humanitarian interventions is controversial because no legal mechanism governs these actions. Deploying military force within another state’s sovereign territory is at odds with the UN Charter which serves as the cornerstone of international law regarding the use of military force. The UN Charter specifies the principle of non-intervention in Articles 2.4 and 2.7 of the charter. Article 2.4 states that “all Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.”<sup>93</sup> Article 2.7 then states

Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.<sup>94</sup>

The only established principles in international law for the use of military force are contained in Chapter VII of the UN Charter, which consists of articles 39 through 51. Article 51 allows a member nation to conduct military action in self-defense if it is attacked. It also allows for nations to come to the aid of a fellow member nation if it is attacked. The other articles of Chapter VII describe provisions for the UN “to maintain or restore international peace and security.”<sup>95</sup> Article 41 provides that the Security Council can authorize non-military intervention measures such as “interruption of economic relations” and “severance of diplomatic relations.” Article 42 states that, if those measures mentioned in Article 41 prove inadequate or would be inadequate,

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<sup>92</sup> Aidan Hehir, *Humanitarian Intervention: An Introduction* (New York: Palgrave Macmillan, 2010), 20.

<sup>93</sup> United Nations, “Charter of the United Nations,” accessed February 23, 2017, <http://www.un.org/en/sections/un-charter/chapter-i/index.html>.

<sup>94</sup> United Nations, “Charter of the United Nations.”

<sup>95</sup> Ibid.



then the Security Council “may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security.”<sup>96</sup> Hehir points out that “the majority of legal scholars consider [humanitarian intervention] to be illegal at present.”<sup>97</sup>

Many people died while the international community debated whether genocide occurred, whether to violate the sovereignty of another country, who would pay for it, who would intervene, and what the scope and scale of the intervention would entail. Notable cases in which the issue of national sovereignty prevented an optimal response include Kosovo in 1999, Bosnia in 1995, and Rwanda in 1994.<sup>98</sup>

NATO tested international opinion in 1999 on the rights of states to intervene in another sovereign state to stop atrocities when it initiated Operation Allied Force in Kosovo to protect Albanians from ethnic cleansing by Serbia. The UN debated the legality of the intervention, during which two camps emerged. States including Russia, China, India and the non-aligned nations rejected the intervention as illegal, while NATO and other supporters justified the intervention as legitimate based on its moral purpose.<sup>99</sup>

## Evolution of the Responsibility to Protect

Following the debate over the Kosovo intervention, UN Secretary-General Kofi Annan pleaded for the international community to develop a consensus on cases in which the need to defend human rights through intervention trumps a state's right to sovereignty. The Canadian government, in conjunction with several major foundations, formed the ICISS in September

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<sup>96</sup> United Nations, “Charter of the United Nations.”

<sup>97</sup> Hehir, 19.

<sup>98</sup> Evans and Sahnoun, 1.

<sup>99</sup> Alex J. Bellamy, “Humanitarian Intervention,” in *The Routledge Handbook of Security Studies*, ed. Myriam Dunn Cavelty and Victor Mauer (New York: Routledge, 2012), 431-32.

2000. In December 2001, the ICISS published a report which introduced the concept of "responsibility to protect" (R2P).<sup>100</sup>

In the 2001 report, the ICISS formulated that a state's right to sovereignty also contains a fundamental responsibility to protect its people. If a state cannot or intentionally will not exercise its responsibility to protect the people within its borders, intervention by the international community supersedes that state's right to sovereignty.<sup>101</sup> In essence that state's government breaks the social contract with the people it represents. As Michael Walzer states in *Just and Unjust Wars*; "And when a government turns savagely upon its own people, we must doubt the very existence of a political community to which the idea of self-determination might apply."<sup>102</sup>

The ICISS report, therefore, outlined three key elements that fall under the umbrella of a "responsibility to protect" including the *responsibility to prevent*, *the responsibility to react*, and *the responsibility to rebuild*. The responsibility to prevent poses that there is an obligation to attend to the "root causes and direct causes of internal conflict and other man-made crises putting populations at risk."<sup>103</sup> Sovereign states are primarily responsible for this obligation; however, if they fail to or are incapable of carrying out this duty, the international community must carry out

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<sup>100</sup> Evans and Sahnoun, VII, 6. The "responsibility to protect" is the latest evolution of norms in international law with regards to the protection of human rights. Page six of the 2001 ICISS report states that "some key milestones in this progression have been the Universal Declaration of Human Rights; the four Geneva Conventions and the two Additional Protocols on international humanitarian law in armed conflict; the 1948 Convention on the Prevention and Punishment of the Crime of Genocide; the two 1966 Covenants relating to civil, political, social, economic and cultural rights; and the adoption in 1998 of the statute for the establishment of an International Criminal Court."

<sup>101</sup> Ibid., VIII.

<sup>102</sup> Walzer, 101.

<sup>103</sup> Evans and Sahnoun, XI; Scheffer, "The United States: Measures To Prevent Genocide." Scheffer points out that Barbara Harff and Ted Gurr have empirically shown that mass atrocities usually occur in failed states and that one four state failures results in genocide or politicide. Harff and Gurr identified five conditions related to genocide and politicide. These include "1) a ruling elite whose ethnicity is politically significant, but not representative of the entire population; 2) a ruling elite that adheres to an exclusionary ideology; 3) a previous state failure; 4) autocratic rule; and 5) low trade openness."

this obligation. To exercise the responsibility to prevent, the report explains the need for early warning that provides the international community with awareness of the potential areas of conflict and associated risks.<sup>104</sup> The responsibility to rebuild includes the need to provide an afflicted state with “full assistance” for “recovery, reconstruction, and conciliation.”<sup>105</sup> The report stresses that responsibility to rebuild is more even important where a military intervention takes place. The responsibility to react corresponds to the notion that states within the international community have a duty to respond with military intervention if political, economic, or judicial measures fail to stop a state from willingly killing or committing ethnic cleansing against its citizens or fails to protect them from such acts.<sup>106</sup>

In addition to the presenting the three key responsibilities of R2P, the ICISS considered factors for deciding when to intervene militarily. The ICISS report presented six criteria for policymakers to consider when deciding whether to conduct a military intervention to stop mass atrocities in another country: *just cause*, *right authority*, *right intention*, *last resort*, *proportional means*, and *reasonable prospects*.<sup>107</sup> Each of these criteria requires individual analysis.

The ICISS report specifies that just cause includes “large scale loss of life” and “large scale ethnic cleansing” to warrant military intervention.<sup>108</sup> Just cause may exist even if perpetrators are not killing civilians since the acts of “forced expulsion” and “terror or rape” can constitute ethnic cleansing.<sup>109</sup> The R2P condition of just cause does not require proof of intent as

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<sup>104</sup> Evans and Sahnoun, 20.

<sup>105</sup> Ibid., XI.

<sup>106</sup> Ibid., 29.

<sup>107</sup> Ibid.

<sup>108</sup> Ibid., 20.

<sup>109</sup> Ibid.

contained in the CPPCG definition. Just cause exists if an intervener has convincing proof that mass atrocities are forthcoming.<sup>110</sup>

For the second criteria of right authority, the ICISS report devotes an entire chapter, demonstrating that the principle of non-intervention is the foundation for the current world order of nation states.<sup>111</sup> The ICISS is adamant that the UN is and must be the sole authority for approving interventions to stop mass atrocities. The writers of the ICISS report point out that the UN serves as “a standing military and diplomatic organization with the capacity...to deal with the whole spectrum of peace, security and human protection issues.”<sup>112</sup> R2P describes an escalatory ladder of actions for the international community to move through to ensure interventions to stop mass atrocities are conducted with the right authority – that of the UN.

The UN Security Council must consider the first criteria, determining just cause and granting right authority. Consideration by the Security Council can be initiated in three ways: a member can formally request an authorization for intervention, the Security Council can raise the matter for review, or the UN Secretary-General can raise the matter under Article 99 of the UN Charter.<sup>113</sup> Should the issue not make it to the agenda of the Security Council, the General Assembly has the responsibility to hold hearings and make recommendations to the Security Council. Also, the “Uniting for Peace Resolution” of 1950 authorizes a special procedure, called an Emergency Special Session where two-thirds of the members of the General Assembly can approve action, providing moral and political support for an intervention.<sup>114</sup>

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<sup>110</sup> Gareth Evans, “The Responsibility to Protect,” *NATO Review* (Winter 2002): 1, accessed February 17, 2017, <http://www.nato.int/docu/review/2002/issue4/english/analysis.html>.

<sup>111</sup> Evans and Sahnoun, 47-55.

<sup>112</sup> *Ibid.*, 38.

<sup>113</sup> Evans and Sahnoun, 50; “Charter of the United Nations,” Article 99 of the UN Charter states: “The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.”

<sup>114</sup> Evans and Sahnoun, 48.

The next standard that the ICISS specifies is *right intention*. The ICISS points out that a nation contemplating intervention may measure whether or not it has *right intention* in terms of four factors. The first factor of right intention is that the nation may have multiple purposes, but the primary motive “must be to halt or avert human suffering.”<sup>115</sup> The second factor is that intervention should be conducted through multilateral operations rather than unilateral action. The third factor is that the intervention should be supported by those who it is meant to benefit. The fourth factor is that the opinion of other countries in the region and whether they are supportive of intervention should be taken into account.<sup>116</sup> These four factors should be analyzed to determine if the criteria of right intention is met.

The criterion of last resort refers to exploring every possibility for preventing or resolving a crisis through peaceful means or “lesser measures” before resorting to military intervention.<sup>117</sup> The ICISS states that military intervention may only occur after the responsibility to prevent has failed. This means that diplomatic and other non-military options should have been tried and failed. The ICISS notes that every non-military measure must not have been tried, but there “must be reasonable grounds for believing that” the measure would have failed if it had been tried.<sup>118</sup>

The ICISS principles most related to the advice of senior military leaders and the work of military planners is that of *proportional means* and *reasonable prospects*. Regarding proportional means, the ICISS report states that “the action taken has to be commensurate in scale with its stated purpose, and in line with magnitude of the original provocation.”<sup>119</sup> The ICISS report poses that to meet the status of proportional means the intervention must be conducted so as to use the

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<sup>115</sup> Evans and Sahnoun, 35.

<sup>116</sup> Ibid., 36.

<sup>117</sup> Ibid., XII.

<sup>118</sup> Ibid.

<sup>119</sup> Evans, “The Responsibility to Protect,” in “Managing Crises,” *NATO Review*, 1.

minimum force “to secure the human protection objective.” Using proportional means also involves limiting consequences to the target country’s political system to what is “strictly necessary to accomplish the purpose of the intervention.”<sup>120</sup> Reasonable prospects denote that a government should only carry out intervention where it has a reasonable chance of accomplishing the purpose of the intervention and the intervention does not worsen the conditions.<sup>121</sup>

The ICISS points out that Article 52 of the UN Charter provides considerable flexibility for regional organizations to conduct a collective intervention in a neighboring state in response to a human catastrophe.<sup>122</sup> The ICISS report states that ultimately any intervention without UN approval cannot be considered valid; however, it alludes to situations where the Security Council may fail to act and a state intervenes without approval:

But that may still leave circumstances when the Security Council fails to discharge what this Commission would regard as its responsibility to protect, in a conscience-shocking situation crying out for action. It is a real question in these circumstances where lies the most harm: in the damage to international order if the Security Council is bypassed or in the damage to that order if human beings are slaughtered while the Security Council stands by.<sup>123</sup>

The entire UN General Assembly approved the R2P concept at the 2005 World Summit, and in 2006 the UN Security Council endorsed the concept in Resolution 1674. However, the UN approvals lacked the ICISS suggested six-point decision-making criteria for determining the justification for military intervention under the responsibility to react.<sup>124</sup> This is most likely a testament to the principle of sovereignty that still thrives in the international community.

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<sup>120</sup> Evans and Sahnoun, 37.

<sup>121</sup> Ibid., XII.

<sup>122</sup> Evans and Sahnoun, 53; “Charter of the United Nations.” Article 52 of the UN Charter allows for the member states to join regional arrangements for the “maintenance of international peace and security.” Additionally, Article 52 also states that members who are also members of regional arrangements should try to resolve those disputes in the regional organization before bringing it to the UN.

<sup>123</sup> Evans and Sahnoun, 54-55.

<sup>124</sup> Bellamy, 435-36.

International law maintains that the UN is the only authorizer of legal force which has been done on a case-by-case basis. Another reason for the weak R2P endorsement is that developing nations with a colonial past view the concept of R2P as a tool for developed western powers to gain a foothold to exploit them. Thomas Weiss, genocide scholar, notes that humanitarian interventions in the nineteenth century were based on “commercial and geopolitical calculations...cloaked in the language of humanitarian and religious motives.”<sup>125</sup>

The UN Security Council members usually lack consensus on military intervention. China and Russia typically practice a view toward noninterference when the UN debates intervening into the domestic affairs of states. The other Security Council members also have opposed interventions to stop mass atrocities. One example is the United States and the United Kingdom’s opposition to military intervention in Rwanda in 1994.<sup>126</sup> Most applicable to this monograph is the responsibility to react with regard to military intervention if prevention fails.<sup>127</sup>

The lack of intervention in Rwanda was one of the cases that inspired UN Secretary Kofi Annan to challenge the international community to reach a consensus on responding to atrocities.<sup>128</sup> This view begs the question of whether or not the international community, in particular the United States, would have conducted a military intervention to stop the genocide in Rwanda if R2P had existed in 1994.

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<sup>125</sup> Thomas Weiss, “Halting Genocide: Rhetoric versus Reality,” *Genocide Studies and Prevention* (2007): 12, accessed March 4, 2017, <http://scholarcommons.usf.edu/gsp/vol2/iss1/3>.

<sup>126</sup> Straus, 165-166.

<sup>127</sup> Evans and Sahnoun, 29.

<sup>128</sup> Bellamy, 434-35.

## Rwanda Case Study

### Introduction

The Rwandan genocide occurred from April to June 1994 and is arguably one of the most violent episodes of mass killing in history and undoubtedly the most vicious in modern history. In the course of only 100 days, at least 800,000 people died, equating to ten percent of Rwanda's population. President William Clinton later expressed his regret over the failure to intervene in Rwanda.<sup>129</sup> The international community's failure to stop the genocide in Rwanda was a catalyst for the formation of the ICISS and its 2001 report. This case study examines whether the 2001 ICISS six-point military intervention criteria would have justified the international community to intervene in Rwanda in 1994. In areas where military action met the 2001 ICISS criteria, the case study surveys other factors that prevented an international response. This case study first presents a short background section that discusses the immediate precursors to the genocide that occurred in Rwanda. It then proceeds to flesh out the context in which the decision not to intervene occurred through the lens of the six criteria introduced by the 2001 ICISS report which included just *cause, right authority, right intention, last resort, reasonable prospects, and proportional means*.

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<sup>129</sup> Taylor B. Seybolt, *Humanitarian Military Intervention: The Conditions for Success and Failure (Sipri Monograph Series)* (Oxford: Oxford University Press, 2008), 70; The Associated Press, "Clinton's Painful Words of Sorrow and Chagrin," *New York Times*, March 26, 1998, accessed March 19, 2017, <http://www.nytimes.com/1998/03/26/world/clinton-in-africa-clinton-s-painful-words-of-sorrow-and-chagrin.html>. In a speech given at the Kigali Airport President Clinton stated "The international community, together with nations in Africa, must bear its share of responsibility for this tragedy, as well. We did not act quickly enough after the killing began. We should not have allowed the refugee camps to become safe haven for the killers. We did not immediately call these crimes by their rightful name: genocide."



## Background

Rwanda is a small, landlocked country located in Central Africa consisting of multiple ethnic groups, primarily including the Tutsi, Hutu, and the Twa. It is debatable whether or not Hutus and Tutsis can be considered different ethnic groups due to intermarriage and the previous ability of Hutus to ascend to Tutsi status. However, the Tutsi-Hutu distinction provided a divide that fostered varying amounts of political power and opportunities between the two groups from a period of colonial rule by Western powers, through the country's independence in 1962, and up to the 1994 genocide.<sup>130</sup>

## Colonial Rule

Colonialism began in Rwanda in 1899 when Germany formed German East Africa which consisted of present day Rwanda and Burundi. Germany relinquished its claim to the territory after its defeat in the First World War, and the League of Nations assigned the territory to Belgium as part of the post-war settlement in 1918.<sup>131</sup> The Belgians saw the native Rwandan political structure as complex and inefficient. To minimize cost and maximize profits from the territory, the Belgians massively reorganized the existing administrative apparatus. Among these reforms, the Belgians established the minority Tutsis as the official administrators over the country's other groups and also limited higher education to the Tutsi class. The Belgians implemented this reform for no other reason than racist convictions that dominated that era. The Belgians assumed that, since the Tutsis resembled Europeans in appearance more than Hutu or Twa, then Tutsis was the group more capable of ruling over the others. This proposition would

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<sup>130</sup> Thomas G. Weiss, *Military-Civilian Interactions: Intervening in Humanitarian Crises* (Lanham, MD: Rowman & Littlefield Publishers, 1999), 138-39; Haerens, 44; Altman, 90. The Tutsis and Hutus have essentially existed for centuries as a single people sharing the "same race, religion, culture, and language." Akresh and de Walque, 1.

<sup>131</sup> Weiss, *Military-Civilian Interactions: Intervening in Humanitarian Crises*, 139.

deny Hutus the ability to serve in government and to attain higher education. This consigned the Hutu, with very few exceptions, to act as the country's labor class.

The Belgians further solidified the division among the three groups with a registration of the population in the 1930s. The procedure required all Rwandans to proclaim their identity as either Tutsi, Hutu, or Twa. The results were kept as part of local government records and resulted in the issuance of identity cards to the Rwandans that stated their identity. Administrators registered subsequent generations upon birth as one of the three groups. Children born to parents from different groups took the group identity of the father. At the time of the national registration, fifteen percent of the population was Tutsi, one percent was Twa, and the remainder was Hutu.<sup>132</sup>

## Rwanda's Independence

After World War II, the Rwanda-Burundi territory was no longer Belgium's colonial possession, but Belgium continued to administer the territory under a UN trusteeship.<sup>133</sup> Pressured by the UN, Belgium increased the role of Hutus in Rwandan society in the 1950s. Opportunities for Hutu to serve in the government and attain higher education increased. The Tutsis viewed the changes as too radical and the Hutus as too conservative. Events beginning in 1959 resulted in a Hutu-dominated government known as the Hutu Revolution. This transformation began when Mutara Rudahigwa, the Tutsi monarch who ruled the country since 1931, died suddenly in 1959. Radical political parties on both sides of the Tutsi-Hutu divide quickly rose to take advantage of his death. The Union Nationale Rwandaise (UNAR) served the interests of Tutsi royalists while the Parti du mouvement de l'émancipation des Bahutu (Parmehutu) sought to establish Hutu dominance over Rwanda. The political contest led to

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<sup>132</sup> Alison Desforbes, *Leave None to Tell the Story: Genocide in Rwanda* (New York: Human Rights Watch, 1999), 33-35, accessed February 27, 2017, <https://www.hrw.org/reports/pdfs/r/rwanda/rwanda993.pdf>.

<sup>133</sup> Weiss, *Military-Civilian Interactions: Intervening in Humanitarian Crises*, 140.

violence between Tutsis and Hutus which resulted in the deaths of several hundred people. To restore order, the Belgians replaced many local Tutsi administrators with Hutus. The change in membership of local leaders ensured that the Parmehutu carried the first elections in 1960. In September 1961, more than eighty percent of Rwandans voted to end the Tutsi monarchy for a government led by the Parmehutu.<sup>134</sup>

From 1959 until the genocide in 1994, Rwanda's Hutu leaders fomented anti-Tutsi sentiment as a tool to distract from the country's economic issues and also prevented challenges to a system of single party control. In 1963, politically-sanctioned violence resulted in the deaths of twenty thousand Tutsis along with the displacement of thousands of others. During his rule from 1963 to 1974, President Gregoire Kayibanda eliminated any political opposition in the country and purged Tutsis from government institutions. In the early 1970s, Hutu opposition from the southern and northern parts of Rwanda challenged Kayibanda's control of the government. He once again turned to anti-Tutsi propaganda to distract the population but was ousted in a coup by Major General Juvenal Habyarimana, a Hutu from northern Rwanda. Although the new government still discriminated against Tutsis in regard to government service, it initially diminished anti-Tutsi sentiment in the Rwandan population.<sup>135</sup>

Throughout his presidency, Habyarimana continued to consolidate power by maintaining a political system dominated by his political party, the Mouvement Revolutionnaire National pour le Developpement (MNRD). At first, the population did not contest the increase in autocratic control since the majority of Rwandans benefited from improved living standards. However, this economic growth was primarily due to development aid and a thriving coffee market. In the 1980s, Rwanda experienced the risk associated with a single export economy as the price of

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<sup>134</sup> Desforges, 36.

<sup>135</sup> Weiss, *Military-Civilian Interactions: Intervening in Humanitarian Crises*, 140.

coffee plunged. The taxes on coffee exports generated up to eighty percent of the Rwandan government revenues. Other issues further stressed Rwanda's weak economy, including high population growth, land scarcity, currency devaluation, and the return of refugees from Uganda and Burundi.<sup>136</sup>

The population's acceptance of one party rule declined along with the economy. By the late 1980s, Habyarimana's critics demanded political reforms. Due to the amount of foreign aid that Rwanda received, donor nations sided with those critics in the hope that such modifications would stimulate Rwanda's economy. Habyarimana allowed for the establishment of a national commission in July 1990 to study the need for political reforms. The commission quickly returned its answer that the Rwandan government must accommodate multiple political parties.<sup>137</sup>

## Civil War

In October 1990, the army of the Rwandan Patriotic Front (RPF), based in Uganda, invaded Rwanda and waged a guerilla campaign against the Rwandan government. The RPF consisted primarily of descendants of Tutsi refugees who formed an expatriate community in Uganda after the Hutus revolted and took control of the Rwandan government in 1959. By the time of the invasion, the RPF consisted of not only 6,000 Tutsi soldiers but also 3,000 soldiers from the Ugandan army. The RPF was a capable and combat-tested force since it had gained experience by providing crucial support in the conflict that brought Ugandan President Yoweri Museveni to power in 1986.<sup>138</sup>

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<sup>136</sup> Weiss, *Military-Civilian Interactions: Intervening in Humanitarian Crises*, 141.

<sup>137</sup> Desforges, 41.

<sup>138</sup> Weiss, *Military-Civilian Interactions: Intervening in Humanitarian Crises*, 140-42; Scott R. Feil, *Preventing Genocide: How the Early Use of Force Might Have Succeeded in Rwanda* (New York: Carnegie Commission on Preventing Deadly Conflict, 1998), 4.

The RPF had three strategic goals for the invasion: the repatriation of Rwandan refugees from Uganda, the overthrow of Habyarimana's government, and the establishment of a democratic government in Rwanda. By October 4, 1990, the RPF had progressed to within forty-five miles of Rwanda's capital of Kigali. However, Habyarimana's government faked an attack on Kigali and blamed it on the RPF. The staged attack drove security measures that resulted in the arrests of approximately 13,000 people. The staged attack also served as a pretext for the deployment of foreign troops to aid Habyarimana's government, including Belgium, Zaire, and France. The civil war temporarily stopped when the Organisation of African Unity (OAU) negotiated a cease-fire between the RPF and Rwandan government in July 1992. By August 1992, the belligerents signed the first of the Arusha Accords in Arusha, Tanzania.<sup>139</sup>

As early as March 1993, the potential for widespread violence in Rwanda was evident to international organizations, nongovernmental organizations, and the US intelligence community. One example includes a report by the International Commission of Investigation that noted the detention of at least 10,000 Tutsis along with the murder of approximately 2,000. This commission was comprised of various international human rights groups.<sup>140</sup>

Upon the cease-fire in August 1992, the OAU established the Neutral Military Observer Group, which consisted of forty observers, to monitor the cease-fire. On June 22, 1993, the UN Security Council authorized the UN Observer Mission in Uganda-Rwanda (UNOMUR) to stop the distribution of military supplies from the Ugandan military to the RPF. This authorization based UNOMUR on Uganda's side of the border, but a disagreement between the UN and Uganda over a status of forces agreement delayed the force's deployment. The UNOMUR operation was a condition of the Arusha Accords completed on August 4, 1993. Other provisions

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<sup>139</sup> Desforges, 42-48.

<sup>140</sup> Power, 338.

included in the Arusha Accords required the Rwandan government to repatriate Tutsi refugees, include representatives of the Tutsi minority population in legislative and ministerial positions, and assimilate the RPF into the Rwandan Army. Another stipulation of the agreement was that government officials, even the president could stand trial for past abuses. The first step delineated in the Arusha Accords was the establishment of a transitional government to implement the measures outlined above. This process then would end with democratic national elections in 1995.<sup>141</sup>

Despite the cease-fire, the Rwandan government continued to accumulate war fighting materials. In December 1993, a CIA study acknowledged that Rwanda received a shipment of 40 million tons of small arms from Poland transited through Belgium.<sup>142</sup> Additionally, signals before April 1994 indicated the desire of either side to commit hostilities against the other to renew the war. For example, moderates in the Rwandan army sent an anonymous letter in December 1993 to Belgian intelligence officers revealing the plan of Hutu extremists to provoke the RPF to violate the cease-fire. On the other side, a Belgian cable related that RPF President Alexis Kanyarengwe specified that “[t]he goal cannot be but to provoke bloody troubles at an opportune moment to prevent implementation of the Arusha Accords.”<sup>143</sup>

Later that year, the UNOMUR mission expanded into the UN Assistance Mission for Rwanda (UNAMIR) on October 5, 1993, after a request for a UN presence by both the RPF and the Rwandan government following a year of negotiation. The UNAMIR mission was authorized by Security Council Resolution 872 to have 2,548 soldiers under a Chapter VI mandate which

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<sup>141</sup> Weiss, *Military-Civilian Interactions: Intervening in Humanitarian Crises*, 140-43; Desforges, 9; Feil, 4; Turid Laegreid, “U.N. Peacekeeping in Rwanda,” in *The Path of a Genocide: The Rwanda Crisis from Uganda to Zaire*, ed. Howard Adelman and Astri Suhrke (New Brunswick: Transaction Publishers, 1999), 231-51.

<sup>142</sup> Power, 338.

<sup>143</sup> Kuperman, 104.

included the following tasks: “facilitating and observing the cease-fire through demobilization and integration; establishing a weapons secure zone in Kigali; demining; repatriating refugees; coordinating humanitarian assistance; and monitoring overall security, the police, and the peace process.”<sup>144</sup>

It is important to note that UNAMIR started its mission as violence erupted in neighboring Burundi. In June 1993, a Hutu engineer named Melchior Ndadaye was elected to the presidency of Burundi, which has a Tutsi majority, in democratic elections. In October 1993, an extremist Tutsi faction of the Burundi military kidnapped and murdered Ndadaye. The event provoked violence that resulted in the deaths of 50,000 people and 300,000 Hutu refugees that fled to Rwanda.<sup>145</sup>

UNAMIR dispersed its forces across the Kigali Weapons Secure Area (KWSA), the demilitarized zone (DMZ), the RPF sector, the Rwandese government sector, and the southern part of the country. The majority of the force was used to establish and occupy the KWSA sector which extended in a 10-km radius from the city center. The KWSA force included a Belgian infantry battalion, a Bangladeshi infantry battalion, a Tunisian company, and a Ghanaian company. The Belgian infantry battalion was responsible for monitoring the KWSA sector from the center of Kigali to the south including the Kigali Airport. The Bangladeshi battalion was in charge of observing the northern part of the KWSA sector. The RPF stationed one battalion at the CND building complex to protect RPF political leaders in Kigali per the Arusha Accords. UNAMIR Headquarters charged a Tunisian company with monitoring the RPF battalion. A Ghanaian company provided security for UNAMIR Headquarters in the KWSA. UNAMIR

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<sup>144</sup> Weiss, *Military-Civilian Interactions: Intervening in Humanitarian Crises*, 143; Desforges, 19, 99.

<sup>145</sup> Maj George Stanley, USAF, “Genocide, Airpower, and Intervention: Rwanda 1994,” in *Stopping Mass Killings in Africa: Genocide, Airpower, and Intervention*, ed. Douglas C. Peifer (Maxwell Air Force Base, AL: Air University Press, 2008), 62.

placed an infantry battalion from Ghana along with an engineering company, and two UN military observer (UNMO) teams in the DMZ located in the north of Rwanda, just south of its border with Uganda. UNAMIR then divided the teams among the RPF and Rwandese government sectors of the DMZ. Thirty-two UN military observers monitored the southern part of the country. Finally, the UNOMUR mission continued to watch the Uganda-Rwanda border for the movement of weapons and supplies.<sup>146</sup>

Efforts to integrate Tutsis into Rwanda's government and assimilate the RPF into the Rwandan army were to no avail. Demobilization efforts on the part of the belligerents also seemed lacking as indicated by the UNAMIR force's seizure of four weapon shipments at Kigali airport between January and February 1994.<sup>147</sup> Interestingly, a U.S. government intelligence analyst predicted in January 1994 that "the worst-case scenario would involve one-half million people dying" if the civil war resumed.<sup>148</sup> An additional sign of future violence that occurred that month was the information passed to the UNAMIR commander by an Interahamwe leader, code-named Jean-Pierre, who said he could provide information on where extremists in the Rwandan government stored weapons in Kigali. More importantly, Jean-Pierre stated that Hutu extremists were accumulating the arms for a plan to exterminate the Tutsi in Rwanda. Furthermore, he mentioned that extremists in the Rwandan government would initiate the plan by targeting Belgian peacekeepers to get western countries, along with the rest of the United Nations, to withdraw from Rwanda.<sup>149</sup>

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<sup>146</sup> Laegreid, 250.

<sup>147</sup> Weiss, *Military-Civilian Interactions: Intervening in Humanitarian Crises*, 143.

<sup>148</sup> Power, 338.

<sup>149</sup> Stanley, 68.



## The Genocide

Rwanda's Hutu president, Juvenal Habyarimana, used the RPF incursion as a way to polarize the society to bring dissenting Hutus back to his side. Starting in mid-October 1990, at least six episodes of state-sanctioned massacres were directed against the Tutsi minority and Habyarimana's Hutu political opponents. In 1992, Habyarimana started a program that provided military training to the youth in his political party that formed the Interahamwe, which translates as "Those Who Stand Together" or "Those Who Attack Together." That year Habyarimana's political party formed a civilian self-defense force in addition to the Interhamwe. Concluding that firearms were too expensive to provide to the entire force, Habyarimana's inner circle imported and distributed enough machetes so that one in three Hutu males would have one.<sup>150</sup>

The immediate trigger for the initiation of the genocide occurred on April 6, 1994. A plane carrying President Habyarimana and the President of Burundi crashed from a hit by a surface-to-air missile as it flew into Kigali Airport. Although not conclusively established, it is strongly believed that the assassination served as trigger for Hutu extremists within the Rwandan government to initiate the genocide. Two pieces of evidence that point to this conclusion include the facts that security forces for the Rwandan government denied UNAMIR observers access to the crash site and that roadblocks used in the implementation of the genocide were established before announcement of the news of the plane crash. The Hutu extremists within the Rwandan government immediately blamed the RPF for the attack.<sup>151</sup>

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<sup>150</sup> Desforges, 8-9, 42.

<sup>151</sup> Laegreid, 235; Kuperman, 12-13. Kuperman states that it is not known who actually committed the assassination and why they did. One theory is that the Hutu extremists did so because they felt that Habyarimana would eventually submit to Western influence and implement the provisions of the Arusha Accords. Another theory is that the RPF shot the plane down out of frustration with Habyarimana from the lack of progress with the implementation of the accords. Weiss, *Military-Civilian Interactions: Intervening in Humanitarian Crises*, 144. Based off of evidence cited from Human Rights Watch, Weiss notes that the assassination was most likely carried out by the Presidential Guard. See also Totten and Parsons, 457.

That same day Deputy Assistant Secretary for African Affairs Prudence Bushnell transmitted a memorandum to US Secretary of State Warren Christopher upon learning about the deaths of the Presidents of Rwanda and Burundi. Bushnell concluded the memorandum with the suggestion that “if, as it appears, both Presidents have been killed, there is a strong likelihood that widespread violence could break out in either or both countries, particularly if it is confirmed that the plane was shot down.”<sup>152</sup>

One can assume from this memorandum that there was at least a US cabinet level awareness of the potential for violence in Rwanda as early as April 6, 1994. After the genocide had started, the DoD was well aware of the repercussions. As early as April 11, 1994, Pentagon staff prepared a list of talking points for Undersecretary of Defense for Policy Frank Wisner that stated:

Unless both sides can be convinced to return to the peace process, a massive (hundreds of thousands of deaths) bloodbath will ensue that would likely spill over into Burundi. In addition, millions of refugees will flee into neighboring Uganda, Tanzania, and Zaire, far exceeding the absorptive capacity of those nations.<sup>153</sup>

The Rwandan genocide is most characterized by the speed in which it was carried out.

Immediately after the plane crash, Colonel Theoneste Bagosora, the commander of Rwanda’s Presidential Guard, took control of the government and set the extermination plan into action. The day after the plane crash, Rwanda’s Presidential Guard killed Prime Minister Agathe Uwilingiyamana along with ten Belgian troops that were guarding her. Tutsis and moderate Hutus serving in the cabinet positions of the transitional government were the first targets hunted

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<sup>152</sup> Prudence Bushnell, "Death of Rwandan and Burundian Presidents in Plane Crash Outside Kigali," memorandum for US Secretary of State through Under Secretary for Political Affairs Peter Tarnoff, US Department of State, Washington DC, April 6, 1994, accessed February 27, 2017, <http://nsarchive.gwu.edu/NSAEBB/NSAEBB53/rw040694.pdf>.

<sup>153</sup> LtCol Harvin for Deputy Assistant Secretary of Defense for Middle East/Africa, “Talking Points On Rwanda/Burundi,” memorandum for Under Secretary of Defense for Policy through Assistant Secretary of Defense for International Security Affairs, April 11, 1994, US Department of Defense, accessed February 27, 2017, <http://nsarchive.gwu.edu/NSAEBB/NSAEBB53/rw041194.pdf>.

down by the Hutu Interahamwe. The genocidaires then murdered those who could serve as sources of dissent to the planned genocide including human rights activists, civil servants, lawyers, and journalists.<sup>154</sup> Within the first week after the death of Habyarimana, twenty thousand people were killed and then 200,000 by the end of the April. The death toll exceeded 500,000 after only six weeks.<sup>155</sup>

### Somalia / Blackhawk Down

Decisions to intervene are not isolated matters but take place among other events and are impacted by past experiences. A discussion of the lack of international response to Rwanda would be incomplete without also discussing the intervention that occurred in Somalia before the Rwandan Genocide. The failed Somali experience may have chilled or diminished the will of UN member nations, particularly the United States, from intervening in Africa.

The end of the Cold War removed the risk of escalation between superpowers and created a renewed interest at the UN in intervention to protect human rights. Somalia in 1992 provided a test case for intervention to protect the rights of individuals. In January 1991, Somalia's ruler, Mohammed Siad Barre, was overthrown and a civil war followed. The belligerents in the civil war included the United Somalia Congress (USC) who supported Ali Mahdi and Hawiye factions led by Mohammed Farah Aideed. A severe drought occurred simultaneously as the civil war, leading to widespread famine across the country.<sup>156</sup>

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<sup>154</sup> Desforges, 10; Laegreid, 235.

<sup>155</sup> Weiss, *Military-Civilian Interactions: Intervening in Humanitarian Crises*, 144.

<sup>156</sup> Lyn Graybill, "Responsible....by Omission: The United States and Genocide in Rwanda," *Seton Hall Journal of Diplomacy and International Relations* 3, no. 1 (Winter/Spring 2002), 87, accessed March 21, 2017, <http://blogs.shu.edu/diplomacy/files/archives/graybill.pdf>.

By 1992, three hundred thousand Somalis had died, and seventy-five percent of the population was at risk for starvation. The devastation in Somalia prompted then-President George H.W. Bush to make a moral argument for intervention to the Republican Party Convention that August. The United States initiated “Operation Provide Relief” that summer with the goal to deliver food to the famine victims. The food was delivered via air drop making it problematic in terms of ensuring that the aid made it to the intended recipients rather than to the warring factions. The lack of success with “Operation Provide Relief” led to a UN resolution on December 3, 2003, authorizing “Operation Restore Hope,” which began on December 9, 1992. President Bush deployed ground troops to Somalia to protect food convoys in the hope that the aid would reach the intended famine victims.<sup>157</sup>

The UN further expanded its role in Somalia through Resolution 814 which established UN Operation in Somalia (UNOSOM II) in May 1993 under a Chapter VII, peace enforcement mandate. The UN, prompted by the United States, once again expanded the mandate with Resolution 837. The new resolution authorized a response to militia attacks on UN peacekeepers by allowing the United States to detain and arrest Mohammed Farah Aideed. United States forces attempted to capture Aideed at the Olympic Hotel in Mogadishu. The downing of a US Black Hawk helicopter by militia forces was a critical juncture in the battle and escalated from what was planned as a quick insertion to capture Aideed to a massive shootout between American forces and militia forces that blended in with the population. By the end of the mission, eighteen US soldiers were dead along with about 1,000 Somalis. The disaster prompted President William Clinton to withdraw US forces six months later and led to the drafting of Presidential Decision Directive 25 (PDD 25), which sought to ensure that the United States would only provide support to UN peacekeeping missions when and where US national interests were at stake.<sup>158</sup>

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<sup>157</sup> Graybill, 87.

<sup>158</sup> Ibid., 87-88.

## Presidential Decision Directive 25

The Clinton Administration was prompted to develop a framework for United States participation in peacekeeping operations in January 1994 after Senator Bob Dole introduced legislation to reduce US involvement in such missions. In light of what occurred in Somalia, the Clinton Administration fast-tracked the development of a presidential directive. Richard Clarke, who served on the National Security Council as special assistant to the president, led a year long interagency process that resulted in PDD-25. The directive divided US criteria for participating in UN peacekeeping missions into three categories.

Each category had specific decision-making criteria with the number of factors increasing based on the risk to American soldiers. The first type included operations that the US would vote on as a member of the UN Security Council without contributing troops. The second type was operations in which American troops would participate but likely would not face combat. The third category involved missions where American soldiers likely would engage in combat. Sixteen specific criteria were required to be met for the Clinton Administration to commit US soldiers to operations with the potential for combat. The Clinton Administration released PDD-25 on May 3, 1994, after the Rwandan genocide had been underway for almost a month. The perspectives of most policymakers and governments officials on intervention likely were influenced by the drafting of this restrictive document as the events in Rwanda unfolded.<sup>159</sup> The notion of large-scale atrocities providing just cause for military intervention would not have been a new revelation to the USG. Although PDD-25 did not use the same language as the ICISS report, it encapsulated the notion of mass atrocities constituting just cause as one of the sixteen criteria listed in the directive. PDD-25 stated that one of the factors for consideration in voting or participating in UN peace operations was that:

There is a threat to or breach of international peace and security, often of a regional character, defined as one or a combination of the following: international aggression; a

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<sup>159</sup> Power, 341-342.

humanitarian disaster requiring urgent action coupled with violence; sudden and unexpected interruption of established democracy or gross violation of human rights, coupled with violence or the threat thereof.<sup>160</sup>

The phrase “gross violation of human rights, coupled with violence” indicates that US policymakers viewed a response to mass atrocities as justification for intervention. Additionally, PDD-25 stated that “...the political, economic and humanitarian consequences of inaction by the international community have been weighed and are considered unacceptable.”

## Response to the Genocide

### Rwandan Patriotic Front

The cease-fire between the RPF and the Rwandan government ended on April 7, 1994, as the RPF renewed its offensive against the Rwandan government in answer to the Rwandan army's attack on civilians and the RPF headquarters.<sup>161</sup> The RPF battalion stationed in Kigali immediately began engaging Rwandan government forces while RPF units raced from the DMZ and reached Kigali on April 10, 1994. The RPF was extremely suspicious of the intentions of both Belgium and France and demanded on April 12, 1994 the departure of both countries' troops within twenty-four hours. Additionally, both sides of the conflict requested that any foreign troops not part of UNAMIR depart the country immediately.<sup>162</sup>

By May 16, 1994, the RPF controlled the line of communication from the capital in Kigali to the Rwandan Government's wartime headquarters in Gitarama to the southwest. By

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<sup>160</sup> US President, “Presidential Decision Directive-25: US Policy on Reforming Multilateral Peace Operations,” (Washington, DC: The White House, May 3, 1994), Annex I, accessed December 2, 2016, <https://fas.org/irp/offdocs/pdd25.htm>.

<sup>161</sup> Desforges, 10.

<sup>162</sup> Laegreid, 235.

May 22 RPF forces secured the Kigali Airport <sup>163</sup> On July 4, 1994, the city of Kigali fell to RPF forces. On July 19, 1994, the RPF overthrew the extremist Hutu government and formed a national unity government that included both Tutsis and Hutus. The RPF's victory resulted in significant flows of Hutu refugees with over a million and a half fleeing to the Democratic Republic of Congo.<sup>164</sup>

### International Response

Immediately after the start of the genocide, foreign governments initiated operations to evacuate their citizens from Rwanda. French troops arrived at Kigali Airport on April 9, 1994, and finished evacuation of French nationals on April 14, 1994. The Belgians initiated an evacuation operation from Nairobi, Kenya on April 10, 1994, and took control of the Kigali Airport when the French left. A contingent of 300 US Marines was deployed to the region but halted in Burundi since UNAMIR personnel escorted the Americans to the border where the Marines facilitated an air evacuation. The majority of foreign citizens were out of the country by April 14, 1994; however, UNAMIR continued to escort expatriates across the border the following week.

### UNAMIR I

At the onset of the genocide, the environment no longer matched UNAMIR's peacekeeping mandate. Facilitating the cease-fire and integration of the RPF into the Rwandan army no longer mattered as the RPF offensive against the Rwandan government and the genocide raged. The UNAMIR commander, Lieutenant General Romeo Dallaire, ordered the Ghanaian

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<sup>163</sup> Arthur Jay Klinghoffer, *The International Dimensions of Genocide in Rwanda* (New York: New York University Press, 1998), 52.

<sup>164</sup> Feil, 49.

battalion from the DMZ sector to Kigali to assist in the protection of his forces along with UN personnel and civilians. Notably, due to a lack of vehicles, it did not arrive in the city until April 13, 1994. On April 16, 1994, the Amahoro Stadium in Kigali, protected by the Bangladeshi battalion, was declared a UN installation and served as a collection point for expatriates waiting for evacuation and later as a shelter for Rwandan civilians.<sup>165</sup>

The rules of engagement (ROE) for the UNAMIR mission permitted the use of force only in self-defense, so General Dallaire requested an expansion of the ROE to allow for protection of civilians. The UN did not change UNAMIR's mandate until April 29, 1994, after the genocide had been underway for four weeks. In the meantime, UNAMIR forces focused on protecting themselves and UN personnel. Additionally, UNAMIR forces protected civilians that made it to assembly points and secured the Kigali Airport. The murder of ten Belgian soldiers from the UNAMIR force, though, resulted in the Belgians' withdrawal of its UNAMIR contingent on April 20, 1994. As the most capable unit in the force, the Belgian withdrawal severely curtailed UNAMIR's ability to conduct any operations.<sup>166</sup>

## The United Nations

The discussions at the United Nations on how to respond were framed around the civil war and centered around the unlikely prospect of getting the parties to return to peace talks. The UN Secretary-General's letter of April 13, 1994 to the UN Security Council stressed that the withdrawal of the Belgian unit would leave the UNAMIR force unable to protect itself. The letter explained that the Belgian unit withdrawal may necessitate the removal of the entire force but did not recommend extraction as a course of action. The Assistant Secretary-General conveyed that

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<sup>165</sup> Laegreid, 236-237.

<sup>166</sup> Weiss, *Military-Civilian Interactions: Intervening in Humanitarian Crises*, 147; Laegreid, 236-237.



the protection of civilians exceeded UNAMIR resources. The shadow of the failed mission in Somalia played into discussions on potential options. The members of the Security Council asked that the UN Secretariat provide options that fell along a spectrum from not reaching the authority of a Chapter VII peace enforcement mission but not a total withdrawal on the other end.<sup>167</sup>

On April 14, 1994, soon after the death of the ten Belgian peacekeepers, the Belgian foreign minister informed the US State Department that Belgium would withdraw from the UNAMIR mission. The next day the US Secretary of State Warren Christopher informed UN Ambassador Madeline Albright that the United States supported a full withdrawal of the UNAMIR mission. Two reasons for this stance appear to be that the Belgian deaths caused US policymakers to view the mission with concern because of what had occurred in Somalia. Additionally, the withdrawal of the Belgian contingent left US policymakers with the belief that UNAMIR was incapable of achieving its mandate. Any reinforcement or continuation of the mission was likely to result in the United States contributing additional resources to a losing, ineffective mandate.<sup>168</sup>

At this time, Nigeria held a temporary seat on the UN Security Council. Representing the members of the UN's Non-Aligned Caucus, Nigeria presented a draft resolution to the UN Security Council requesting an increase in UNAMIR's size and expansion of its mandate to include the protection of Rwandan civilians.<sup>169</sup> The OAU supported the Nigerian proposal; however, Nigeria realized that the United States and the United Kingdom would not support an increase in the mission and therefore withdrew the resolution.<sup>170</sup> Nevertheless, the Nigerian

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<sup>167</sup> Laegreid, 240-242.

<sup>168</sup> Power, 366-68.

<sup>169</sup> African Union, *Rwanda: The Preventable Genocide* (African Union, 2000), 124, accessed February 2, 2017, <http://www.peaceau.org/uploads/report-rowanda-genocide.pdf>.

<sup>170</sup> Laegreid, 243.

representative suggested an increase in the UNAMIR mission once the belligerents agreed to a cease-fire. The representative for Oman also suggested that the mission entailed too much risk until a cease-fire was in place.<sup>171</sup>

On April 20, 1994, the Secretary-General provided the Security Council with three options to respond to the crisis. The first prospect was to immediately reinforce UNAMIR with thousands of additional troops and change its mandate to a Chapter VII response to avert more massacres. The middle option was to reduce UNAMIR to a small contingent in Kigali to attempt to get the belligerents to agree to a cease-fire. The third option was a complete withdrawal of UNAMIR, which was not favored by the Secretary-General.<sup>172</sup> The UN Security Council followed the Belgian withdrawal with the adoption of UN Security Resolution 912 on April 21, 1994, which was based on the middle option and reduced the size of UNAMIR from 2,500 to only 270 soldiers.<sup>173</sup> In late April, multiple countries, including the Czech Republic, Spain, New Zealand, and Argentina, were convinced that genocide was taking place and that actions should be taken to stop it. They requested the Security Council “to support a new peacekeeping operation with a stronger mandate.”<sup>174</sup>

## UNAMIR II

After the UN Security Council had voted to reduce the UNAMIR mission, UN Secretary-General Boutros Boutros-Ghali began examining ways to strengthen the UNAMIR force to the 5,500, toward the low end of the 5,000 to 8,000 soldiers that General Dallaire determined were

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<sup>171</sup> Klinghoffer, 48-49.

<sup>172</sup> Laegreid, 240-242.

<sup>173</sup> Weiss, *Military-Civilian Interactions: Intervening in Humanitarian Crises*, 148.

<sup>174</sup> Desforges, 21.

needed to halt the genocide. With European states focused on the concurrent conflict in Bosnia, the UN Secretary-General contacted thirty African leaders requesting troops for an expanded mission in Rwanda. The only countries that committed to provide troops were Zimbabwe, Ethiopia, Senegal, and Ghana. Ghana already was providing troops for the original UNAMIR mandate. Boutros-Ghali advertised the mission as having the authority to act in self-defense but with no expectation of peace enforcement. The OAU Secretary-General Salim Ahmed Salim volunteered to organize the mission but stated that the OAU lacked financial or logistical means to sustain the mission. The other main consideration was US approval, since its share of the UN peacekeeping bill was thirty-one percent at that time.<sup>175</sup> As the UN began discussing a stronger mandate, the RPF stated in a press release on April 29, 1994 that the “genocide is almost complete” and hence a military intervention by other countries would be useless.<sup>176</sup>

#### Operation Provide Comfort Suggested as a Course of Action

On May 6, 1994, informal discussions were held at the United Nations in which France proposed that the international community focus on humanitarian assistance using the approach applied in Iraq in 1991 utilizing the concept of humanitarian corridors.<sup>177</sup> Operation Provide Comfort had been authorized by the UN Security Council in April 1991 under Resolution 688 to defend the Iraqi Kurds against threats from Iraq’s President Saddam Hussein.<sup>178</sup> The genesis of the disaster was a failed rebellion by the Iraqi Kurds against Saddam Hussein. The rebellion

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<sup>175</sup> Klinghoffer, 48-51.

<sup>176</sup> Desforges, 23.

<sup>177</sup> Laegreid, 244.

<sup>178</sup> Walter Clarke and Robert Gosende, “The Political Component: The Missing Vital Element in US Intervention Planning,” *Parameters* (Autumn 1996): 35-51, accessed March 23, 2017, <http://strategicstudiesinstitute.army.mil/pubs/parameters/articles/96autumn/clarke.htm>.

failed when the Iraqi military regained control of the towns in the Kurdish area of northern Iraq. The Iraqi army captured over a 100,000 Kurds and murdered approximately 20,000, most of them civilians. The massacres initiated a tidal wave of refugees that flooded toward Iran and Turkey. The refugee flow intensified due to threats from the commander of Iraq's military forces who threatened to use poisonous gas on any Kurds that remained. While Iran accepted over a million refugees, Turkey refused to receive the Kurds, and so 400,000 became trapped in the mountains on the Turkish border. Freezing temperatures, lack of food and shelter, along with communicable diseases led to 400 deaths daily.<sup>179</sup>

The international community, led by the United States, responded by first providing humanitarian assistance to the Kurdish refugees along with protecting them. The UN coalition then conducted a ground operation to remove Iraq's army from Kurdish territory to establish a safe area in northern Iraq, and then finally a no-fly zone over the Kurdish area of northern Iraq. At its peak, the coalition consisted of eight countries with a total of 15,000 troops in Iraq, Turkey providing another 7,000 in its territory, and more than 100 aircraft supporting the operation. The Iraqi army did not resist the coalition, and the Kurds returned home by the end of the mission in December 1991.<sup>180</sup>

On May 17, 1994, the UN Security Council adopted Resolution 918. Unlike the 1991 Iraqi humanitarian intervention which was extensively resourced, this resolution increased the UNAMIR force level to only 5,500. This was the minimum number that General Dallaire requested and was briefed to the Security Council by Boutros-Ghali. The resolution also expanded UNAMIR's mandate to include protection of civilians and displaced persons by establishing secure humanitarian areas along with providing security support for humanitarian

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<sup>179</sup> Seybolt, 47-52.

<sup>180</sup> Ibid.

relief operations. The resolution further authorized UNAMIR personnel to act in self-defense “against persons or groups who threaten protected sites and populations, United Nations and other humanitarian personnel or the means of delivery of humanitarian relief.”<sup>181</sup> The troop increase associated with the newest resolution was slow to materialize. By mid-June, UNAMIR consisted of just 354 soldiers and 124 military observers, which were provided solely by African countries. The UN mission in Rwanda did not have the authorized 5,500 soldiers until October 1994, six months after the genocide began.<sup>182</sup>

The numerous crises occurring throughout the world partially explains the reason for the US lack of commitment to find a solution to the violence in Rwanda. On June 7, 1994, President Clinton stated in a speech in France regarding the relief efforts in Rwanda that “I think that is about all we can do at this time when we have troops in Korea, troops in Europe, the possibility of new commitments in Bosnia if we can achieve a peace agreement, and also when we are working very hard to try to put the UN agreement in Haiti back on track, which was broken.”<sup>183</sup>

#### Operation Turquoise, June 1994

On June 15, 1994, the French foreign minister proposed to the United Nations that France was prepared to conduct a military intervention in Rwanda. On June 18, 1994, France’s president officially requested a mandate from the Security Council authorizing intervention. At this time, the UN peacekeeping force in Rwanda had fallen to 503 soldiers and the UNAMIR II mission was not forecasted to reach its authorization levels for another three months. While the UN

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<sup>181</sup> United Nations Security Council, Resolution 918, May 17, 1994, S/RES/918 (1994), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N94/218/36/PDF/N9421836.pdf?OpenElement>.

<sup>182</sup> Weiss, *Military-Civilian Interactions: Intervening in Humanitarian Crises*, 149.

<sup>183</sup> William Ferroggiaro, “The U.S. and the Genocide in Rwanda 1994: Information, Intelligence and the U.S. Response,” *The National Security Archive*, March 24, 2004, accessed February 17, 2017, <http://nsarchive.gwu.edu/NSAEBB/NSAEBB117/index.htm>.

Secretary-General saw the French proposal as a way to shore up the lack of UN presence until UNAMIR II deployed, other actors did not have a favorable view of the French intervention. French motivations were suspect due to long-standing ties with the Rwandan government. Members of the Security Council also noted that the RPF opposed a French role Rwanda.<sup>184</sup>

The UN Security Council authorized a unilateral intervention by France named Operation Turquoise on June 22, 1994 under a Chapter VII peace enforcement mandate. Within a week, the French mustered 2,500 troops and 700 vehicles at its logistical base in Goma, Zaire and throughout its operational area in southwestern Rwanda. The French established a humanitarian safe area on July 4, 1994 called Zone Humanitarian Sure (ZHS).<sup>185</sup> Additional objectives for the deployment included saving lives and preserving territory and legitimacy for the interim government. It is estimated that this operation saved the lives of 15,000 to 17,000 Rwandans.<sup>186</sup>

#### Operation Support Hope (OSH), July – August 1994

In addition to Operation Turquoise, in July 1994, the United States initiated Operation Support Hope to assist humanitarian organizations with refugee relief efforts in Zaire. The deployment came in response to the enormous flow of refugees caused as the RPF defeated the Rwandan government. In a period of only four days, from July 14 to 18, approximately 800,000 Rwandans flowed across the border to Zaire. The additional refugees overwhelmed the infrastructure of the existing refugee camps. The logistical assistance provided by the United States ensured food and clean water made it to the refugees. The US military also assisted the medical efforts of relief organizations by transporting medical samples to laboratories in the

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<sup>184</sup> Klinghoffer, 55-56.

<sup>185</sup> Weiss, *Military-Civilian Interactions: Intervening in Humanitarian Crises*, 150.

<sup>186</sup> Desforges, 24.

United States and Germany, transporting antibiotics, and installing water purification units to combat cholera and dysentery. Author Taylor Seybolt believes that each day of Operation Support Hope resulted in thousands of lives saved.<sup>187</sup>

## Analysis

### Just Cause

Evidence now indicates that signs showed the potential for genocide in Rwanda in 1994. However, it is questionable as to whether evidence was strong enough to prompt a decision to conduct a military operation to preempt the genocide. The murder of 2,000 civilians during the civil war was inexcusable; however, it is doubtful that such a number would have resonated as large scale enough for a policymaker to support deploying a military force preemptively to stop civilian deaths in a civil war. The 2,000 deaths occurred roughly across three years. As a comparison, during that same approximate period, the United States alone experienced 71,900 murders domestically within its borders.<sup>188</sup> To provide a comparison, the 2,000 murders in Rwanda constituted 0.033 percent of Rwanda's population, while the number of murders that occurred in the United States during that period was comparable at 0.028 percent of the US population.

No proof is available that intelligence agencies briefed senior policymakers on the worst-case scenario painted by an intelligence analyst before the start of the genocide. Kuperman notes

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<sup>187</sup> Seybolt, 76-77.

<sup>188</sup> "United States Crime Rates 1960 - 2015," The Disaster Center, accessed March 29, 2017, <http://www.disastercenter.com/crime/uscrime.htm>. This website provides the number of murders in the United States for 1990, 1991, and 1992; "Rwanda: Population Total," The World Bank, accessed March 30, 2017, <http://data.worldbank.org/indicator/SP.POP.TOTL?locations=RW&view=chart>. The World Bank shows that Rwanda's population in 1993 was 6.3 million; "United States: Population Total," The World Bank, accessed March 30, 2017, <http://data.worldbank.org/indicator/SP.POP.TOTL?locations=US&view=chart>. The United States population was 259.9 million in 1993.

that this prediction was a deskside brief and confirms that the source of information was Alison Desforges of Human Rights Watch. Unfortunately, the analyst's prediction proved right; however, one cannot assume that senior policymakers were aware of this forecast. While arms shipments certainly violated the terms of the cease-fire, it would have been difficult to link that with the pending genocide that started in 1994 since Rwanda was then in the midst of a civil war. In light of both sides maneuvering to renew the civil war, it does not appear odd that the Rwandan government would continue to order weapons. Viewed alone and not in connection with other intelligence, the arms shipments would have served only to indicate that the cease-fire was doomed, rather than the prelude to a massive genocide.

Even if enough information to supported concluding conclusively that a genocide was being planned, this conclusion does not necessarily equate to the ICISS definition of just cause, which requires that large-scale systematic mass atrocities must be "imminently likely to occur."<sup>189</sup> The Webster Dictionary defines imminent as "ready to take place."<sup>190</sup> Although indicators suggested the potential for violence in Rwanda, it is hard to pin down at what point the US President would have known with certainty that genocide was about to take place. Pre-empting atrocities through a commitment of troops so soon after the deaths of US soldiers in Somalia may have proven difficult in terms of public and congressional support.

From the 1991 intervention aiding the Iraqi Kurds, only a few years before Rwanda, one can argue that military intervention to stop systematic large-scale atrocities was accepted by the international community and in particular the United States. Operation Provide Comfort demonstrates that the international community, led by the United States, conducted an intervention in accordance with the ICISS criteria of just cause. The international community was

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<sup>189</sup> Evans and Sahnoun, XII.

<sup>190</sup> "Definition of imminent," Merriam-Webster, accessed May 2, 2017, <https://www.merriam-webster.com/dictionary/imminent>.



aware of large-scale atrocities taking place against civilians, the Kurds. Furthermore, threats to use gas were taken seriously as a signal that violence would worsen unless the international community took action. One can deduct from the large-scale intervention that the United States conducted in Iraq that some geographical areas will always remain more of a national interest than others.

The United States viewed stopping mass atrocities as a justification for military intervention before the ICISS report as evidenced by language in PDD-25. It is doubtful that there was enough information to clearly decide the level of one-sided violence that the Rwandan government would release on the Tutsi population so as to order a military deployment to preempt it. There is no question that there was just cause to intervene in Rwanda after the genocide started on April 6, 1994. Kuperman states that the President could not have determined that genocide was taking place until April 21, 1994; however, just cause as defined by the ICISS criteria does not require that an intervener prove intent to commit genocide before the intervention. Mass atrocities were reported by Human Rights Watch, the Red Cross, and news agencies, and so it is likely that the UN and USG could have come to an early decision that large scale and systematic atrocities were taking place. In hindsight, according to the ICISS criteria of just cause, an intervention to stop the genocide was justified, but such intervention must be approved by the UN Security Council.

## Right Authority

In Rwanda, the UN Security Council initially did not act to authorize intervention. The first evaluation of right authority for military intervention following the ICISS criteria is a decision by the Security Council to authorize action. After the plane crash on April 6, 1994, the discussions at the UN Security Council took place in the context of the existing UNAMIR mission. In light of the Somalia mission, the United States sought the full withdrawal of the

peacekeeping mission based on the reasoning that it would no longer be able to accomplish its mandate.<sup>191</sup> This decision is proof that the United States continued to view the violence in Rwanda in the context of a civil war rather than an organized genocide carried out by the Rwandan government.

The United States actively used its position on the UN Security Council to limit any direct response to protecting civilians or defeating the perpetrators. It is highly likely that the UN Security Council would have approved a military operation to stop the genocide had the United States advocated for one. The immediate response from Western powers once the genocide erupted was the evacuation of their peacekeeping troops and citizens. After nations evacuated their people, the UN Security Council failed to respond to the genocide since its members framed the violence as strictly a civil war. Belgium's main concern was removing its contingent of UNAMIR from the country. The United States' primary concern was the amount of resources that a response would entail. France's interest prioritized protecting the Rwandan government to maintain a zone of influence in Africa. The staff at the United Nations focused on the need to avoid another failed peacekeeping mission.<sup>192</sup>

## Right Intention

An analysis of right intention can show this criterion was not met unequivocally because it was not clear that the primary purpose of an intervention was to avert suffering or that the region supported intervention. First, the United States was adamant from the start that it wanted no involvement in Rwanda, which it viewed as a civil war. The intentions of France is questionable because of its close relationship with the Hutu government. Other countries that

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<sup>191</sup> Power, 367-368.

<sup>192</sup> Desforges, 460.

were willing to intervene, declined because they lacked the resources to do so. The Rwandan government and the RPF made strong statements against outside powers intervening in the Rwanda. Neighboring countries through the OAU stated they would not provide troops for an increase in UNAMIR.

The entity most opposed to outside intervention in Rwanda was the RPF, who was distrustful of countries such as France. This suspicion manifested itself in warnings that the RPF would attack soldiers from other nations who stayed longer than required to evacuate their citizens. The RPF believed it was on the verge of winning the conflict by the time any serious talk of intervention to stop the killings occurred. Any outside intervention would stall the offensive and rob the RPF of victory against the Hutu government.

## Last Resort

Intervening in Rwanda after April 7, 1994, would have met the criteria of last resort as described by the ICISS report. Economic, diplomatic, or any other means at this point in time would have been incapable of stopping the genocide. Furthermore, attempting any other options other than military intervention would have likely increased cost, involved more resources, and resulted in significantly more lives lost.

## Proportional Means

The UN could have applied proportional means to stop the genocide, although it was constrained by the time needed to transport an adequate force to the area. Essential to determining whether the international community could have applied proportional means is analyzing how much force would have been required to stop the killing in Rwanda. The number of soldiers to halt the killing is one of the most prolific debates regarding the Rwandan genocide. Lieutenant General Romeo Dallaire, the commander of the UNAMIR peacekeeping mission in Rwanda,

believed that he could have stopped the genocide with 5,000 trained troops and a UN mandate that allowed his troops to use force if necessary.<sup>193</sup> In 1997, a group of military leaders and other experts convened at a Carnegie Commission conference to discuss Dallaire's claim. The panel concluded that a force numbering "at least 5,000 strong, depending on the method of employment, and armed with the equipment and capabilities to employ and sustain a brigade in combat-could have made a significant difference in Rwanda in 1994."<sup>194</sup> Alan Kuperman found that roughly the same size force, a reinforced brigade of 6,000 troops, would have taken twenty-one days to arrive in country due to airlift constraints and may have saved 100,000 lives. A much larger force, consisting of a division of 15,000 soldiers may have saved 125,000 lives.<sup>195</sup>

## Reasonable Prospects

In Rwanda, it is unlikely that the reasonable prospects for a successful intervention test could be met. The ICISS points out that reasonable prospects are a cost-benefit analysis concerning whether the intervention will cause more damage than good. The Carnegie Commission found that the window to employ force to effectively stop the genocide would have existed from "April 7 to April 21, 1994" and that "U.S. participation would have been essential."<sup>196</sup> However, based on airlift, the necessary force would have taken twenty-one days to arrive in Rwanda.<sup>197</sup> Hence a unilateral military intervention that did not start by March 16, 1994 would not have had much effect on the outcome in Rwanda. Given the concern over risk and the

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<sup>193</sup> James Waller, *Confronting Evil: Engaging Our Responsibility to Prevent Genocide* (New York: Oxford University Press, 2016), 263.

<sup>194</sup> Feil, 26.

<sup>195</sup> Kuperman, 76.

<sup>196</sup> Feil, 26-27.

<sup>197</sup> Kuperman, 76.

results of the operations in Somalia, one can assume that policymakers and planners did not believe there were reasonable prospects for a successful intervention once it was clear that genocide was occurring.

## Military Options

### Introduction

Mass atrocities are complex events, and hence no single approach applies for all cases. Planners must evaluate each event as a unique case and every response designed to that particular situation. The Mass Atrocity Response Operations (MARO) Handbook provides seven approaches for military interventions to stop genocide and other mass atrocities. The MARO Handbook states that “the MARO Project has emerged in parallel with growing consensus around the international norm of R2P.”<sup>198</sup> Hence if the concept of R2P had existed at the time of the 1994 Rwandan Genocide, it is likely that the MARO doctrine would have heavily guided the operational approach for a US intervention. This section reviews the seven approaches outlined in the MARO handbooks and discusses whether each would have been feasible, acceptable, or suitable for intervention in Rwanda in 1994. The seven approaches discussed in the MARO Handbook include *saturation*, *oil spot*, *separation*, *safe areas*, *partner enabling*, *containment*, and *defeat perpetrators*.

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<sup>198</sup> Harvard Kennedy School, Carr Center for Human Rights Policy, and US Army Peacekeeping and Stability Operations Institute, *MARO-Mass Atrocity Response Operations: A Military Planning Handbook*, By Sarah Sewall, Dwight Raymond, and Sally Chin. (Boston, MA: Harvard College, 2010), 11, accessed December 2, 2016, <http://www.dtic.mil/get-tr-doc/pdf?AD=ADA525455>.

## Saturation

An example of the saturation approach is the United States' occupation of Iraq in 2003, in which ground forces operated from fixed bases to secure the entire country with units assigned to specific areas of responsibility. Units secured their assigned areas through presence patrols, offensive actions against organized resistance, and establishing trust with the local population.<sup>199</sup> Given the concern over resources and the amount of time it took to deploy the UNAMIR II force, this option would not have been feasible in Rwanda.

This approach may have required many more troops than what was requested by General Dallaire. In *Saving Lives With Force: Military Criteria for Humanitarian Intervention*, author Michael O'Hanlon presents some guidelines for sizing an intervention force based on historical interventions and police to population ratios in various countries. He concludes that an intervention force policing a country whose military has just surrendered may be as low as two soldiers per 1,000 inhabitants during events such as in Germany after its surrender in World War II. At the high end, an intervention force may require as many as twenty soldiers per 1,000 inhabitants during events such as intense counterinsurgencies. Examples include British efforts in Malaya and Northern Ireland.<sup>200</sup> Given that Rwanda had an estimated population of 8.6 million when the civil war resumed in 1994, the saturation approach may have required at least 17,200 soldiers to cover the entire country in an effort to stop the killings.<sup>201</sup>

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<sup>199</sup> Harvard Kennedy School and US Army Peacekeeping and Stability Operations Institute, 70-87.

<sup>200</sup> Michael O'Hanlon, *Saving Lives with Force: Military Criteria for Humanitarian Intervention* (Washington, DC: Brookings Institution Press, 1997), 40.

<sup>201</sup> Feil, 32.

## Oil Spot

Instead of securing an entire country like the saturation approach, the oil-spot approach calls for securing key locations and then slowly extending control throughout the area. While this approach may require fewer soldiers than the saturation approach, it requires more time to achieve its objectives. In the case of Rwanda, that objective would have been stopping the genocide and protecting the population. Assuming that the first step of intervention would include securing the capital of Kigali to ensure the force had control of Kigali airport, the countryside would have remained unprotected during the severest part of the genocide. Given the level of organization and tempo of the genocide, massacres would have continued in intensity before the force could gradually extend its control of territory as described in this approach.

## Separation

The separation approach is even less resource intensive than the oil spot approach. In the separation approach, a demilitarized zone (DMZ) is established and manned by an intervention force to separate the perpetrators in one area from the victims in another location. Although there was a DMZ established and monitored by UNAMIR during the cease-fire between the RPF and the Rwandan government, this approach could not have applied to stopping the genocide. Given the population distribution in Rwanda it would have been infeasible to establish a DMZ to separate the perpetrators, extremist Hutus, from the victims, Tutsis. The Tutsi population was spread across the country living amongst the Hutus.

## Safe Areas

The fourth approach outlined by the MARO Handbook is the establishment of safe areas, where the intervening forces secure camps and conduct defensive operations to protect vulnerable

populations against perpetrators. As in the separation approach, a critical factor as to whether safe areas are suitable for a MARO is the distribution of perpetrators and victim populations. This method would have been difficult to apply to Rwanda because Tutsis were dispersed throughout the Hutu population as opposed to the Bosnian conflict where ethnic populations were concentrated in certain areas.<sup>202</sup>

Many pundits are critical of this approach as applied to other interventions. Thomas Weiss, a scholar on humanitarian intervention, points out that this tactic was implemented in Bosnia to shield civilians from Serbia attacks and concludes that “...so-called safe havens-zones, resembling prisons...were among the most unsafe places on the planet.”<sup>203</sup> Greg Stanton, an international lawyer who founded Genocide Watch, notes that a safe area approach was also unsuccessful in Rwanda and Cambodia. The perpetrators of the Rwandan Genocide, including the Interahamwe and members of the Rwandan Army, blended in with civilian refugees to enter the refugee camps established in Zaire. Once they were in the camps, the genocidaires established control. The same outcome happened in Cambodia where the deposed Khmer Rouge were able to establish control of many of the camps.<sup>204</sup>

## Partner Enabling

Another way to intervene against atrocities is to enable partners by providing capabilities such as equipment, intelligence, and medical support. Any forces committed largely act in an

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<sup>202</sup> Feil, 9.

<sup>203</sup> Weiss, “Halting Genocide: Rhetoric versus Reality,” 22.

<sup>204</sup> David Rieff, “Genocide and Humanitarian Response” (lecture, United States Holocaust Museum: Washington DC, December 12, 2002), accessed February 18, 2017, <https://www.ushmm.org/confront-genocide/speakers-and-events/all-speakers-and-events/genocide-and-humanitarian-response>.



advisory or assist role to another country's military.<sup>205</sup> This approach requires a degree of assuredness that the partner which is enabled does not have ulterior motives. For example, aiding the RPF at the time the genocide started would have been controversial, especially among Security Council members since France had such a close relationship with the Rwandan government.

## Containment

The containment approach maximizes the use of long-range precision fires and maritime power so that there is a minimal in-country presence.<sup>206</sup> The threat of such a presence is more likely to serve as a deterrent should a force seek to prevent the outbreak of violence. This approach, however, is unlikely to stop violence once it has started. This approach would not have been suitable since much of the mass killing that took place was conducted by small groups spread in rural areas.<sup>207</sup>

## Defeat Perpetrators

The seventh approach is to defeat the perpetrators through offensive actions to the point that the government fails if necessary. This method may require the establishment of a transitional military authority (TMA) as the country reestablishes another civil government.<sup>208</sup> Michael O'Hanlon opines that one of the difficulties of using military force to stop deadly conflicts is the conundrum of what happens to the extremist or violent group that is perpetrating

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<sup>205</sup> Harvard Kennedy School and US Army Peacekeeping and Stability Operations Institute, 73-81.

<sup>206</sup> Ibid., 82-84.

<sup>207</sup> Dr. Thomas R. Mockaitis, *Avoiding the Slippery Slope: Conducting Effective Interventions* (Carlisle, PA: Strategic Studies Institute and US Army War College Press, 2015), 51.

<sup>208</sup> Harvard Kennedy School and US Army Peacekeeping and Stability Operations Institute, 84-87.

the crimes. On the one hand, if the perpetrators kill to maintain power, then any action that leaves that group as a cohesive entity is risky because the group will possess the will to restart its activities after interveners leave. The RPF realized that any political situation that left the Hutu extremists in power would have been untenable and hence they were opposed to any intervention that would maintain the Hutu-dominated status quo. Therefore, a consideration for a US intervention is whether or not a force could have deployed and exited from Rwanda in less than sixty-nine days since that is the time that it took the RPF to overthrow the genocidal regime.<sup>209</sup>

## Conclusions

A central inquiry for this monograph was to determine whether a military response in Rwanda would have met the military intervention criteria as described in the ICISS report on the R2P. A military intervention would have met the just cause threshold given the level of atrocities in Rwanda. As demonstrated by Operation Turquoise, the UN Security Council was willing to approve an intervention; however, by the time it occurred much of the damage was already done. In terms of right intent, none of the countries that possessed the means to intervene showed a willingness to do so in order to stop the genocide, since early on the violence was viewed through the context of a civil war. When that view changed to seeing the problem through the lens of genocide, the RPF was well on its way to stopping the genocide without international intervention. Proportional means and reasonable prospects were probably the two criteria that would have been the most questionable in terms of an intervention in Rwanda. Given the organization and speed of the genocide combined with the amount of time it would have taken to deploy the necessary force, it is questionable whether an intervention would have significantly changed the outcome.

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<sup>209</sup> O'Hanlon, *Saving Lives with Force: Military Criteria for Humanitarian Intervention*, 34.

As demonstrated in the case study, many reasons explain the international community's lack of intervention in Rwanda. The one that resonates the most is risk aversion. Given the American deaths in Somalia and the Belgian deaths in Rwanda, it is unlikely that any country would assume risk in an intervention that did not have significant strategic interest for the intervening country. Countries that would have the most interest in an intervention to stop mass atrocities are typically neighboring countries that feel the impact of refugees. In such cases, the United States and other powers should assist local forces with intelligence, logistics, and training.

Ultimately an intervention to stop a state-sponsored genocide that does not entail regime change prevents a political solution and only invites further grievances that will necessitate future interventions. The international community's focus on the context of civil war as an explanation for the violence in Rwanda geared solutions toward peace negotiations between the RPF and the Rwandan government, peacekeeping efforts, and humanitarian aid missions. None of these potential solutions, during which much time was wasted, would have solved the true problem, which was an elaborately planned genocide by those in power.

The genocide in Rwanda in 1994 only ended when a local force in the form of the RPF achieved a decisive military victory by removing the perpetrators from power. Many may argue that the questionable backgrounds of local forces invite criticism as to whether they deserved US and international support. However, if one believes that genocide is so reprehensible that it provides just cause to suspend the norm of non-intervention as outlined in the UN Charter, then providing military support to a group that is fighting the perpetrators of genocide must become an immediate consideration, unless a country or a coalition of countries is willing to commit its own troops to stop genocide.

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